ACCESS TO JUSTICE BOARD ANNUAL REPORT
to the
WASHINGTON SUPREME COURT
WASHINGTON STATE BAR ASSOCIATION BOARD OF GOVERNORS
April 2011

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I. ACCESS TO JUSTICE BOARD

A. Mission

Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board works to achieve equal access for those facing economic and other significant barriers.

The Access to Justice (ATJ) Board continues to track and evaluate its progress under the directives of this Court’s 2010 Amended Order (page 1). The ATJ Board continues to refine its mission through the mechanisms it has established to do so: Access to Justice Statement of Principles and Goals (page 5); Hallmarks of an Effective Statewide Civil Legal Services System (page 6); the 2006 Plan for the Delivery of Civil Legal Aid to Low-Income People in Washington State (State Plan), and the ATJ Board’s annual priorities.

Current ATJ Board annual priorities (June 2010 – June 2011) include:

• Strengthening the pro bono function of the civil legal aid delivery system
• Addressing the issues facing pro se individuals in the justice system
• Securing ample funding for civil legal aid and the courts
• Using and integrating technology in the work of the ATJ Board and its committees consistent with the ATJ Technology Principles
• Leadership development

B. Members and Participants

Attached is a current roster of ATJ Board members (page 7). On the recommendation of the Washington State Bar Association (WSBA) Board of Governors (BOG), in May 2010 the Supreme Court appointed Ishbel Dickens to the position vacated by Dan Gottlieb. The Supreme Court also reappointed Aiko Schaefer to her first full term (she had completed the term of a previous Board member who vacated the position mid-term). On February 15, 2011, the Supreme Court appointed new ATJ Board members Breean Beggs and Nicholas P. Gellert for three-year terms beginning May 18, 2011. They will fill positions vacated by Gregory R. Dallaire, who is completing his second three-year term, and by Elizabeth Schoedel, who is completing her first three-year term and has not requested reappointment. The ATJ Board elected Kirsten Barron as Chair-Elect.

Attached is a current roster of ATJ Board Committee Chairs, ATJ Board and staff liaisons (page 8). Approximately 200 volunteers currently serve on the ATJ Board’s nine standing committees. The ATJ Board has created a web page for each of its committees which include the names and affiliations of members. These new pages will be launched in May 2011 on the Washington State Bar Association’s new website.

Committee membership includes judges and court commissioners, administrative law judges, tribal court judges, private and government attorneys, law and public librarians, court clerks, courthouse facilitators, paralegals, members of the Alliance for Equal Justice (Alliance) (legal aid, pro bono program and specialty provider staff), law students and faculty, mediators, educators, technology specialists, Legal Aid for Washington Fund (LAW Fund) and Legal Foundation of Washington (LFW) representatives, Office of Civil Legal Aid (OCLA), staff from the Administrative Office of the Courts (AOC) and the WSBA, representatives from the Washington State Office of Administrative Hearings (OAH), and disability groups.
The ATJ Board also enjoys the active participation of formal liaisons from key justice system partners, including the BOG, AOC, Seattle University School of Law’s Access to Justice Institute (ATJI), the WSBA Family Law Executive Committee, Superior Court Judges Association, District and Municipal Court Judges Association, the Seattle City Attorney’s Office, and Office of Administrative Hearings. A complete list of liaisons is attached (page 9).

The ATJ Board is a supporter of the Washington State Alliance for Equal Justice www.allianceforequaljustice.org. A current list of Alliance members is attached (page 11).

C. Meetings

The ATJ Board met 14 times since its last annual report, including March 4, 2010 and December 1, 2010 meetings with the Supreme Court. Attached are agenda from the February 26, March 4, April 2, June 4, June 18, July 2, July 30, September 10, October 8, November 12, and December 1, 2010 meetings; the January 14 and February 25, 2011 meetings; and the April 30, 2010 ATJ Board retreat (page 13–28).

On September 10, 2010 the ATJ Board hosted its third annual meeting of its committee chairs (page 30).

D. Communications

This Report and ATJ Board meeting minutes are posted on the ATJ Board’s website: www.wsba.org/atj. The WSBA is launching its new website in May 2011, which will include updated and reconfigured Access to Justice Board pages.

To improve communication and facilitate the dissemination of information, the WSBA hosts email lists for the ATJ Board, each of the ATJ Board’s committees and special projects, and the Washington State Alliance for Equal Justice Leadership Group. Staff maintains a web-based calendar of ATJ Board and ATJ Board committee meetings for use by volunteers, which will be migrated to the WSBA events calendar with the launch of the new WSBA website in May 2011.

The ATJ Board’s Communications Committee has developed an online Equal Justice Newsletter www.allianceforequaljustice.org (page 31–52).

The WSBA is now providing web conferencing tools for ATJ Board committee meetings, and has videoconferencing capacity available to the ATJ Board.

The ATJ Board can now be followed on Facebook.

E. Staff

The ATJ Board and its committees (with the exception of the Equal Justice Coalition and the Communications Committee, which are staffed by the Legal Foundation of Washington) are administered by the WSBA within its Justice Programs Division. This Division is part of the WSBA Department of Justice and Diversity Initiatives (JDI). Current Justice Programs Division staff include: Justice Programs Manager Joan Fairbanks and Justice Programs Coordinator Allison Durazzi. The ATJ Board’s Conference Planning Committee is staffed by WSBA Events Coordinator Pamela Wuest.
Staffing for the ATJ Board/AOC/Office of Administrative Hearings (OAH) Pro Se Project is provided by Consultant Charles Dyer with funds from the Supreme Court.

The ATJ Board continues to host law student interns and externs. UW School of Law student Brian Ledbetter volunteered full-time from June through August 2010 on technology-related initiatives. Notre Dame School of Law student Wendy Tran volunteered during May and June 2010 on the ATJ Board’s Living History Project. Currently the ATJ Board is hosting University of Washington School of Law Extern Angela Hoppel. Her focus will be on electronic access to court records.

F. Administration

The ATJ Board is administered by the WSBA under the auspices of a Memorandum of Understanding between the ATJ Board and the WSBA (page 53).

The ATJ Board Order provides that the Board “may adopt internal operational rules pertinent to [its] powers and duties.” The ATJ Board’s Operational Rules (page 56), updated regularly, address the roles and duties of ATJ Board members, officers and committee chairs; committee structure and function; the role of staff; and other pertinent matters.

The ATJ Board has a four-member Executive Committee that sets the ATJ Board meeting agenda and performs other functions as provided in the Operational Rules.

G. ATJ Board Role in Washington State

Within Washington State, the ATJ Board is a mechanism for “expanding, coordinating, and promoting effective and economical civil legal services delivery for vulnerable low and moderate income people,” as contemplated by the Order. The ATJ Board enjoys an active role in Washington State’s justice community. Examples of this involvement (since the February 2010 Report) include the following:

Supreme Court Assessment of its Boards, Commissions and Task Forces: Representatives from the ATJ Board’s Justice Without Barriers and Technology Committees participated in a Supreme Court Boards Commission and Task Forces Assessment Work Group to study, and made recommendations regarding, the structure and function of ten Supreme Court established entities responsible for addressing bias and barriers in the justice system.

The ATJ Board is currently in the process of soliciting comments from the Alliance in order to provide a response to the Supreme Court on the Work Group’s Final Report and a subsequently written “Minority Report.”

Race and the Criminal Justice System: ATJ Board Chair Judge Steven González and Professor Robert S. Chang, Director, Fred T. Korematsu Center for Law and Equality at Seattle University School of Law took the lead in convening and co-chairing a Task Force on Race and the Criminal Justice System to address racial disparity. The Task Force’s Research Working Group and Recommendations/Implementation Working Group presented their Preliminary Report and Findings to the Washington Supreme Court on March 2, 2011 (page 63) http://www.law.seattleu.edu/x4920.xml.
Funding for Civil Legal Aid and the Courts

• On November 12, 2010, the ATJ Board adopted a Resolution Urging Adequate Funding of the Judicial Branch (page 65).

• During the 2010 Legislative Session, the ATJ Board opposed proposed funding cuts to the Washington Supreme Court and Washington State Court of Appeals (page 67). The ATJ Board supported adequate funding of the justice system, but opposed legislation creating new Superior Court filing fees as the funding mechanism (page 68–70). The ATJ Board also succeeded in having the BOG join in opposition to further increases in filing fees.

• The ATJ Board facilitated the May 19, 2010 Office of Civil Legal Aid (OCLA) Budget Development Stakeholder Meeting focused on priorities of requests for additional money for civil legal aid in the FY 2011-13 biennium. 35 stakeholders participated.

• The ATJ Board facilitated a September 13, 2010 meeting with representatives from the Civil Legal Aid Oversight Committee, the Office of Civil Legal Aid, and the Equal Justice Coalition to discuss roles and responsibilities with regard to state funding for civil legal aid, to resolve any misunderstandings, and to address expectations for the 2011 legislative session. The meeting resulted in a list of guidelines for decision-making. The ATJ Board facilitated conference calls on September 21 and 23 to address issues relating to Chief Justice’s response to the Governor’s Executive Order for 6.3% funding reductions.

• ATJ Board submitted a February 14, 2011 resolution to the American Bar Association supporting the ABA’s opposition to proposed Legal Services Corporation funding cuts (page 71).

• The ATJ Board joined with the WSBA in a March 18, 2011 letter to Washington’s Congressional delegation urging continuation of support for Legal Services Corporation funding (page 73).

• The ATJ Board opposed King County Court Fees/Ordinances 2010-0576, 2010-0577, 2010-0578, 2010-0579, on the basis that user fees are an impediment to access to justice for those who face economic and other significant barriers (page 75). ATJ Board member Ishbel Dickens testified on November 14, 2010 in opposition to the proposed ordinances.

• The ATJ Board supported national efforts to encourage the Federal Deposit Insurance Corporation (FDIC) to delay implementation of proposed regulations detrimental to IOLTA accounts (page 77).

• The ATJ Board wrote a letter in support of state Attorney General funding for a fellowship position for the Seattle Community Law Center. Funding was awarded and the two-year fellowship is being advertised.
Court Rules:

- **GR 34 (Waiver of Court and Clerks’ Fees and Charges in Civil Matters):** The ATJ Board has been involved for four years in efforts to develop and promote support for this rule, which was adopted by the Supreme Court on December 3, 2010 (page 79). The ATJ Board continues to be involved in drafting the forms to implement GR 34.

- **GR 35 (Clerk’s Fees and Charges):** At its 2010 annual meeting with the Supreme Court, the ATJ Board raised a concern about the recent surge of new fees being assessed in local courts around the state. A proposed rule concerning this issue is before the Court (page 82). The ATJ Board initiated a series of meetings with representatives from the Washington Association of County Clerks to discuss proposed GR 35 and related issues. In addition, at the Access to Justice and Bar Leaders Conference in June 2010, the ATJ Board met with members of the Supreme Court, BOG, and representatives of the Washington State Clerks Association to discuss the proposed Rule.

- **Proposed Case Load Limits for Defenders (CrR3.1, CrRLJ3.1, JuCR9.2):** The ATJ Board joined the WSBA Council on Public Defense in support of these amendments (page 85).

- **Code of Judicial Conduct Rule 2.2:** At the request of the Chief Justice, the ATJ Board provided the Court with an opinion regarding the advisability of expanding Comment 4 of Rule 2.2 of the recently adopted Washington State Code of Judicial Conduct to provide judges with guidance on providing accommodation to pro se individuals.

Immigration Reform: The ATJ Board voted to support the five draft recommendations presented at the Access to Justice/Bar Leader Conference on June 6, 2010 (page 87). These recommendations relate to: immigration enforcement in Washington courthouses; threatened or actual use of immigration enforcement to gain an advantage in a civil matter; racial profiling; immigration and local law enforcement; and support for comprehensive immigration reform. The ATJ Board is working with WSBA, the Board for Judicial Administration, and other stakeholders on the implementation of these recommendations.

WSBA Emeritus Status: The ATJ Board joined the WSBA Pro Bono and Legal Committee in submitting comments on proposed WSBA Bylaws changes to Emeritus status (page 92).

Continuing Legal Education:

- Greg Dallaire represented the ATJ Board on a October 21, 2010 CLE panel on ethical considerations relevant to online dispute resolution sponsored by the Dispute Resolution Board at Seattle University School of Law.

- Members of the ATJ Board participated at the February 19-20, 2010 Symposium and CLE titled “Civil Legal Representation and Access to Justice: Breaking Point or Opportunity for Change.”
Diversifying the Bench Guidebook: The ATJ Board co-sponsored this Washington State Minority and Justice Commission’s Workforce Diversity Committee project.

Participation on Task Forces and Committees: ATJ Board representatives currently serve on the following: WSBA’s Council on Public Legal Education; WSBA’s Council on Public Defense; and the Supreme Court’s Public Trust and Confidence Committee.

Recognition for Outstanding Contributions: The ATJ Board continues to nominate, and support the nomination of individuals and organizations for awards and recognition.

- The ATJ Board presented its annual awards (page 94) at the 2010 Access to Justice Conference: the Judicial Leadership Award to Equal Employment Opportunity Commission Judge Zulema Hinojos-Fall; the Access to Justice Leadership Award to Immediate Past LAW Advocates Director Mary Swenson; the Civil Equal Justice Advocacy Award to Columbia Legal Services attorneys Andrew Kashyap and Aurora Martin; and the ATJ Board/WSBA Norm Maleng Leadership Award to Lonnie Davis, Alliance of People with Disabilities. The ATJ Board and the WSBA also presented a Special Recognition Award to Washington State Governor Christine Gregoire, who keynoted the 2010 Access to Justice and Bar Leaders Conferences.

- The ATJ Board supported the successful nomination of the Washington State Bar Association for the 2010 American Bar Association Harrison-Tweed Award.

- ATJ Board Chair Judge Steven González received the Latina/o Bar Association of Washington Extraordinary Member Award on January 28, 2011.

- Long-time ATJ Board volunteer Don Horowitz received the 2010 WSBA Award of Merit.

Increased participation by ATJ Board Members in Legal Community Events: In an effort to increase awareness about the ATJ Board and its mission, the ATJ Board has committed to an ATJ Board presence at key legal community events (page 96).

Outreach to Non-Legal Communities: The ATJ Board has established an Outreach and External Relations Task Force to address the dual goals of fostering deeper engagement with distinct communities around the state to increase support for access to justice and to enhance the ATJ Board’s understanding of the civil legal aid needs of low and moderate income communities across the state. Current efforts are focused on greater involvement by local community leaders at the June Access to Justice and Bar Leaders Conference in the Tri-Cities (page 99).

Civil Legal Needs Work Group: The ATJ Board is a member of a newly formed initiative chaired by ATJ Board Member Wayne Blair. The Work Group will address the 2003 Washington State Civil Legal Needs Study finding that low- and moderate-income people face more than 85% of their legal problems without any assistance from an attorney. The Work Group will solicit and review all ideas and proposals for expanding civil legal assistance to these low- and moderate-income populations and develop appropriate recommendations to the Supreme Court (page 101).

Integration with the Judiciary: The ATJ Board works to enhance collaboration and communication with the judiciary in the following ways: (1) semi-annual meetings with the
Supreme Court; (2) active recruitment of judges from all levels of state court, administrative, and tribal courts for participation on the ATJ Board and on ATJ Board committees; (3) establishment of formal liaisons to the ATJ Board from the Superior Court Judges Association, the District and Municipal Court Judges Association, and the Office of Administrative Hearings; (4) establishment of a formal liaison to the ATJ Board from the Administrative Office of the Courts; and (5) appointment of an ATJ Board liaison to the Board for Judicial Administration (BJA). The ATJ Board also coordinated an orientation for new Supreme Court Justice Charles Wiggins on February 9, 2011 (page 103).

Integration with the Organized Bar: The ATJ Board works to enhance collaboration and communication with the Washington State Bar Association and local, specialty, and minority bar associations in the following ways: (1) annual ATJ Board presentations to the BOG; (2) participation in WSBA orientations for volunteers; (3) annual orientation of the WSBA president and new BOG members; (4) reciprocal liaisons with the BOG; and (5) regular ATJ Board participation at key legal community events.

H. National and International Participation

The ATJ Board continues to be active at the national level and regularly receives inquiries from other states and other countries regarding its initiatives.

Annual Meeting of State ATJ Board Chairs and Commissions: Sponsored by the American Bar Association (ABA) and National Legal Aid and Defender Association (NLADA), the ATJ Board has participated in these meetings since their inception. Along with many other organizations and individuals, the ATJ Board boycotted the 2010 meeting in Phoenix to protest the enactment of Arizona’s Senate Bill 1070 which potentially criminalizes a person’s presence based on suspected immigration status. This year’s meeting is May 21, 2011 in Las Vegas, Nevada.

Road Map: The ATJ Board’s Open Society Institute-funded handbook, “Equal Justice...The Noblest Common Denominator: A Road Map for Building an Equal Justice Community,” published in 2001, has been widely distributed throughout the country. The handbook continues to be used by many states in a variety of ways to build and enhance their own state and local equal justice communities.

II. SUPREME COURT-FUNDED ATJ BOARD INITIATIVES

A. Status Report on FY 2009-2011 Funding Request

The Court budgeted $100,000 ($50,000 annually) for the ATJ Board for FY 2009-2011.

The ATJ Board advised Chief Justice Barbara Madsen on July 19, 2010 of specific initiatives and support functions that the Board planned to undertake with these funds during FY 2011 (page 104). These included:

- Continuation of staffing and support for a statewide pro se initiative in collaboration with the AOC, OAH, and other Justice System partners ($25,000).
• Support of the design phase of the ATJ Board’s new Leadership Development Initiative ($5,000)
• The ATJ Board held $20,000 of its FY 2011 funds in reserve until October 2010 when its priorities could be further developed. On October 25, 2010, the Chief Justice notified the ATJ Board that its FY 2011 funds were being reduced by $20,000 (page 106).

B. Final Report on FY 2010 Initiatives

Pro Se Project ($33,000): Consistent with its priority to address access issues facing pro se individuals in the justice system, the ATJ Board used Supreme Court funds to contract with Lynn Greiner to staff and support the development of a statewide pro se initiative in collaboration with AOC, OAH, and other justice system partners. The Pro Se Project Work Group included representatives from key justice system stakeholders. After an extensive exploration of approaches to improved services for pro se individuals, the Work Group developed The Washington State Plan for Integrated Pro Se Assistance Services (page 108–144). The Plan calls for the development of a robust technology-based system in Washington State to assist those who are navigating the justice system on their own. The first phase is the creation of an online Self Help Center focused on family law, with plain language forms, instructions and information, to be housed on the existing website www.washingtonlawhelp.org. Trained and knowledgeable facilitators would also be available to respond to online or telephone-based inquiries. The second phase will link the Self Help Center with existing onsite courthouse facilitators. The final phase will expand the Self Help Center to other relevant substantive areas and other forums for resolving disputes.

Legal Server Training ($15,000): Consistent with its priority to strengthen pro bono services, the ATJ Board approved funds to be used by the Legal Foundation of Washington (LFW) to increase Legal Server’s effectiveness for pro bono and specialty providers to record and manage client service data. Funds were used for the following specific projects: (1) Legal Server experts traveled from Chicago to provide individualized training to LFW grantees at the 2010 Access to Justice and Bar Leaders Conference in Wenatchee. (2) The Legal Server development team designed a module to track simple advice cases for pro bono programs and a customized version for the King County neighborhood legal clinics. (3) Each pro bono program’s Legal Server site was further tailored to streamline how legal problems are recorded. (4) LFW held an advanced Legal Server training on February 26, 2010 for 25 legal aid providers.

Proposed Strategies for Using Washington State Program Performance Standards ($2,000): Using allocated, but unexpended, FY 2010 Supreme Court funds, the ATJ Board contracted with Consultant John A. Tull and Associates to work with the ATJ Board’s Performance Standards Workgroup to develop protocols for using the “Performance Standards for Legal Aid in the State of Washington,” adopted by the ATJ Board on November 13, 2009 (page 145).

C. Status Report on Current FY 2011 Initiatives

Pro Se Initiative ($26,182.62): On July 30, 2010 the ATJ Board adopted “The Washington State Plan for Integrated Pro Se Assistance Services.” The ATJ Board contracted with Consultant Charles Dyer to staff the initiative, and has dedicated the remainder of the funds for the translation of 18 family law forms into plain language format. This translation work is being done by Transcend, based in Davis, California,
under contract with the WSBA (on behalf of the ATJ Board) and the AOC. The ATJ Board has established a Plain Language Forms Work Group to review and approve the forms. Membership includes representatives from the Court’s Pattern Forms Committee.

**Leadership Development ($3,819.38):** The 2006 State Plan charges the ATJ Board with the responsibility of coordinating ongoing individual, organizational, and statewide leadership development. After an extensive search, the ATJ Board selected a leadership development program created by the Boston-based Center for Legal Aid Education (CLAE). The goal of the leadership initiative is to cultivate, train and empower a rich and diverse community of leaders for Washington State’s Access to Justice Movement. Supreme Court funds were used to supplement funds from the Office of Civil Legal Aid to support the initial design phase of the project, which is now complete (page 158). The ATJ Board is looking for funds for the remaining four phases of the project, which includes the training of 50 new leaders. This is a 24-month program with a full curriculum, mentoring, web-based learning activities, leadership initiatives and quarterly retreats.

**III. ATJ BOARD STANDING COMMITTEES**

The ATJ Board currently oversees the work of nine standing committees that are addressing the priorities established by the Supreme Court’s Order and the ATJ Board’s current priorities.

**A. Access to Justice Conference Planning Committee** — Colleen Kinerk and Judge Ann Schindler, Co-Chairs

**Mission:** Plans, organizes and coordinates the annual Access to Justice Conferences.

Since 1996, these annual conferences, held in conjunction with the WSBA Bar Leaders Conference, have brought together members of this state’s justice community around key issues that impact access to the justice system for those facing economic and other significant barriers.

The 15th annual conference, “Transformation: Crisis and Opportunity,” was held in Wenatchee, Washington on June 4-6, 2010 (page 201). Workshop topics included:

- Advocates Unite! Protecting Children’s Rights in Times of Economic Crisis: We Can’t Afford not to
- Communication as a Tool to Transform Crisis into Opportunity
- Current Immigration and Civil Rights Issues in Washington State
- Keeping the Power on: Advocating for Clients Facing a Utility Termination
- Privacy and Access to Court Records: Collateral Consequences of the Information Boom
- Serving Clients Respectfully: Ethical Challenges to the Justice System in Serving Diverse Client Communities
- Show me the Jobs: Creative Strategies for New Lawyers in Tough Economic Times
- Technology: Power Tools for Justice
- The Ivory Tower and the Legal Community: A New Paradigm for Access
- Washington Home Foreclosure Crisis: Legal Updates and Advocacy Approaches
The joint ATJ Conference/Bar Leaders Conference plenary featured leaders from the three branches of government and the organized bar sharing their perspectives on the impact of the crisis on our justice system and the people it serves. They included Supreme Court Chief Justice Barbara Madsen, King County Councilman Rob Ferguson, Office of Governor Representative Narda Pierce, and WSBA President Salvador Mungia. The session was facilitated by Seattle University School of Law Professor John McKay.

B. Communications Committee — Michele Storms, Chair

Mission: To build a common understanding about the value of equal justice for low-income and vulnerable people and how the Alliance for Equal Justice works together to narrow Washington’s justice gap. We facilitate internal communications for the Alliance for Equal Justice and external relations with the broader legal community and beyond. Through this work, the Communications Committee helps the Alliance build resources and support for legal aid and equal justice in Washington.

Communications Plan: The Committee continues to work to implement its 2005 Communications Plan. A current focus is to develop strategies for more effectively using the media (page 207).

Equal Justice Newsletter: The Communications Committee established the first Alliance for Equal Justice e-newsletter. This newsletter facilitates both internal communications and positive external relations. The nearly 3,000 recipients of the Equal Justice Newsletter include the ATJ Board, EJC members, Campaign donors, and Alliance organization staff and volunteers. Features include regional spotlights, interviews with staff, volunteers, and supporters, client stories, “superstar” volunteer profiles, media coverage, and an online event calendar. Copies of the Equal Justice Newsletter are archived at http://www.allianceforequaljustice.org/index.php?p=Newsletter&s=239.

WSBA Bar News: The Committee has collaborated with the WSBA Pro Bono and Legal Aid Committee on a pro bono-themed issue of the Washington State Bar News, to be published in May 2011.

Welcome Wagon: The Committee has developed a program for welcoming and orientating new members of the Washington State Alliance for Equal Justice. New members now have an online orientation at www.allianceforequaljustice.org. The web page includes links to basic “need to know” materials on legal aid in Washington and an online slideshow presentation that can be downloaded, edited, and used to orient others.

Access to Justice Conference: For the third year, the Communications Committee coordinated the annual Orientation Workshop for the annual Access to Justice and Bar Leaders Conference.

C. Delivery Systems Committee –Kirsten Barron and Dan Gottlieb and, Co-Chairs

Mission: The ATJ Board established the Delivery Systems Committee in 2010 to address the following:

• Serve as a clearinghouse and “think tank” to help monitor changes in client needs
• Establish and oversee working groups to address new and unfinished State Plan implementation
• Provide ongoing support and technical assistance for regional planning efforts
• Ensure that related legal assistance initiatives in the state are coordinated with the civil legal aid delivery system
• Monitor and assess the impact of national and state policy changes/initiatives on Washington’s civil legal aid delivery system

Based on a review of the current State Plan and other relevant information, the Committee has identified the following four priority areas of focus and is in the process of developing work plans for each area:

• **Coordination/Collaboration/Regional Planning**: Encourage and promote inter- and intra-regional planning efforts throughout the state.
• **Training**: Develop an inventory of training and a functional assessment of training capacities relevant to client needs.
• **Access (including Education)**: Develop strategies (e.g., outreach, use of interpreters, approaches to special populations) to improve access to the delivery system for those unable to utilize CLEAR.
• **Pro Bono**: Assess and prioritize approaches to improving pro bono service delivery.
• **State Support**: Assess statewide support functions that can be developed with no significant additional resources.

The Committee sponsored a community meeting for the Alliance on February 25, 2011 to discuss how best to deliver volunteer attorney legal help to low-income clients in the event of possible significant legal aid funding reductions.

**D. Equal Justice Coalition (EJC) – Stan Bastian, Chair**

**Mission**: To ensure that people are treated equally and fairly before the law by educating policymakers and the public about the importance of civil legal aid in our communities and advocating for sufficient public funding for civil legal aid in Washington.

**Current Focus**: Protecting current public funding levels for legal aid in the midst of skyrocketing demand, a state budget deficit and the continuing national recession.

**Local Funding**: Facing a $60 million shortfall in the General Fund, the King County Executive eliminated FY 2010 funding ($107,500 total) for four Alliance legal aid providers. The Equal Justice Coalition coordinated a successful strategy of scheduling meetings with King County Council members, testimony at public hearings, Action Alerts, and articles to help restore and preserve funding for the Eastside Legal Assistance Program, Northwest Immigrant Rights Project and TeamChild (page 209).

**State Funding**: OCLA received a relatively small reduction in the 2010 Supplemental Session and TeamChild funding was maintained. More than 300 people took part in grassroots advocacy. The 2011 Session is underway. The EJC has developed educational materials (page 210–211) and is keeping supporters informed through its EJC Action Alerts.

**Federal Funding**: Funding for the Legal Services Corporation is at risk. It currently receives $420 million. The U.S. House recently voted to cut LSC by $70 million for the remainder of FY 2011. This would mean a $1 Million cut to the Northwest Justice Project
in 2011. For Fiscal Year 2012, President Obama has recommended an increase for LSC, recognizing the critical importance of legal aid for low-income Americans. Prior to the budget vote, an amendment to eliminate LSC failed on the House floor. Seven out of Washington’s nine U.S. Representatives voted to continue LSC funding. The EJC led a team in Washington, D.C., in mid-April 2010 to urge Washington’s Congressional delegation to support funding for legal aid. They included Washington Supreme Court Justice Mary Fairhurst, Attorney General Rob McKenna, Washington State Bar Association President Salvador Mungia, Northwest Justice Project Director César Torres, and Equal Justice Coalition Director Nell McNamara. The EJC coordinated a welcome lunch for Seattle attorney Harry Korrell, a new member of the Legal Services Corporation Board of Directors.

**Education:** The Justice in Jeopardy Initiative co-sponsored Justice at Work Open Court on January 5, 2011 at the Thurston County Superior Court and on February 8, 2011 at the King County Superior Court. Following remarks by judicial officers and court users, participants observed the courts in session, learned about court programs and services, and visited resource tables to learn about the justice system (page 212–213).

**E. GAAP (Greater Access and Assistance Project) Committee** — Jennifer Harris, and Jaime Hawk, Co-Chairs

**Mission:** Establish a structure to support viable moderate means panels in Washington State.

This is a joint committee of the ATJ Board and the WYLD. The Committee has turned its attention from supporting the development of county GAAP programs to supporting the development of the Washington State Bar Association’s Moderate Means Program in conjunction with this state’s three law schools. The ATJ Board is phasing out of this initiative. However, the Board will continue to ensure coordination and collaboration between the civil legal aid delivery system for low-income people and the Moderate Means Program through membership by Moderate Means Program staff on the ATJ Board’s Delivery Systems Committee.

**F. Justice Without Barriers Committee** –Josefina Ramirez and Judge Gregory Sypolt, Co-Chairs

**Mission:** Ensure a fully inclusive justice system by identifying and removing impediments to accessing and using the justice system, including physical, language, and communication barriers, and other barriers resulting from ineffectual and unworkable rules, complex procedures, disparate treatment, and any other obstacles that may serve as impediments to achieving equal and meaningful access to justice.

The Committee oversees the work of four subcommittees:

**Pro Se Project:** [See Section II of this Report]]

**Disability Access:** This Committee is nearing completion of a new publication, *Ensuring Equal Access for People with Disabilities: a Guide for Washington Administrative Proceedings.* It will serve as a desk book for decision-makers on identifying and accommodating disabilities and the legal obligations for public agencies conducting

**Administrative Justice:** The subcommittee continues to work to review, develop and make recommendations for improvements in administrative procedures affecting low-income persons.

**Electronic Access to Court Records:** The subcommittee is examining the inconsistencies of electronic access to court records at county levels throughout the state, including fee structures and other barriers that confront low-income people and the organizations that serve them.

**G. Law School Relations Committee** – Ishbel Dickens and Kathleen Manning, Co-Chairs

**Mission:** The ATJ Law School Relations Committee fosters collaboration among Alliance members and law schools to ensure that every law student in the state has an understanding of the importance of public interest law, familiarity with the Alliance for Equal Justice community, an opportunity to work with Alliance members in some capacity as a student, an appreciation for the work that is being done on behalf of low-income clients, and a commitment to support the Alliance’s work in some capacity after law school.

The Committee oversees the work of the following initiatives:

**Post-Graduate Fellowships:** The Committee is developing a fellowship guide with the goal of increasing fellowships available to the Alliance.

**Outreach:** Since 2007, the Committee has coordinated activities for students from Washington’s three law schools in conjunction with the annual February Goldmark Awards Luncheon. In February 2010 and February 2011, the Committee arranged “mini conferences” attended by about 40 law students each. The 2010 program, hosted by Foster Pepper, featured a panel on community lawyering. The 2011 program, hosted by Davis Wright Tremaine, featured a panel on debtors’ prisons. Networking receptions followed these panel presentations.

**Laurel Rubin Rural Externship Advocacy Project (REAP):** A joint effort with the Laurel Rubin Farm Worker Justice Project, the Committee has designed and implemented a collaboration with the state’s three law schools to expand access to justice for migrant and seasonal farm workers. A REAP extern from each law school has been selected for the fall semester. Receiving academic credit, the externs will work on site under the supervision of experienced legal aid attorneys on a wide variety of civil legal issues. Coordination will also be provided by faculty from each law school.

**Orientation:** On June 23, 2010 the Committee produced the training for summer interns at Alliance organizations. Topics covered included resources for students, ethics, and training on working with clients with limited English proficiency. The Committee
coordinated lunch discussions for the summer 2010 law student Alliance interns. The committee has created a Facebook page for the ATJ Board.

**ATJ Conference:** Committee members coordinated the 2010 Conference workshop “Show Me the Jobs: Creative Strategies for New Lawyers in Tough Economic Times.” Committee members coordinated a networking reception for law students and legal aid service providers at the Conference.

**H. Nominating and Leadership Development Committee** — Judge Elizabeth Fry, Chair

**Nominating:** The Committee is charged with (1) identifying and nominating new members for the ATJ Board and (2) developing qualifications for, and nominating candidates for, ATJ Board Chair-Elect and Chair. The Committee fulfills the ATJ Board’s statutory requirement to recommend the appointment of three members of the Civil Legal Aid Oversight Committee. The Committee, on request, recommends to the ATJ Board appointments for service on boards and committees of justice system partners.

The Committee recruited and interviewed applicants for two ATJ Board vacancies effective May 2011. The ATJ Board submitted a slate of recommendations for nomination by the BOG to the Supreme Court. On February 15, 2001, the Supreme Court appointed new ATJ Board members Breean Beggs and Nicholas P. Gellert for three-year terms beginning May 18, 2011. After conducting an extensive recruitment and interview process, the ATJ Board also nominated Jesse Magana for a position of the Civil Legal Aid Oversight Committee (RCW 2.53.010).

**Leadership Development:** [See Section II. of this Report]

**I. Technology Committee** — Mike Katell, Chair

**Mission:** To increase and improve access to the justice system by promoting efficient inter-agency technology needs-assessment, planning, collaboration and evaluation.

**Implementation of the Access to Justice Technology Principles:** This is a primary function of the Committee, which influences everything the Committee does, plans, develops, or advises:

- **ATJ Tech Principles Website:** The Committee has, in collaboration with the University of Washington Information School, developed an ATJ Technology Principles Website ([www.atjweb.org](http://www.atjweb.org)) which is, among other things, a resource bank for various implementation efforts as well as a resource for ATJ information and services generally. It is an ongoing goal of the Committee to improve this website and increase both its public and professional awareness and visibility.

- **Assistive Technology Website:** The Committee is developing an assistive technology website to enhance the information provided at [www.courts.wa.gov/ada_assistive_technology](http://www.courts.wa.gov/ada_assistive_technology). The companion site will feature information for consumers who can access assistive technology while using the justice system outside the court system, as well as reviews of equipment. The Committee is partnering with Disability Rights Washington.
**JusticeNet**: Technology Committee members were instrumental in creating JusticeNet, a dedicated system to build broadband communications infrastructure and corresponding communications and information delivery capacity through the state, especially those areas that are underserved or underserved with broadband capacity. The Washington State Justice Net consortium represents a large group of partners working to ensure adequate broadband deployment for the justice system and delivery of essential online services for vulnerable populations.

In August, 2010, the Department of Commerce’s National Telecommunications and Information Administration (NTIA) awarded $4.1 million under its Broadband Technology Opportunity Program (BTOP) to the Puget Sound Center Foundation (PCC) for Teaching, Learning and Technology. A JusticeNet component of this grant includes funding for the establishment of courthouse-based public justice centers in Chelan, Whatcom and Cowlitz Counties and the Kalispel Tribe. In addition, Northwest Justice Project will develop self-help streaming videos and provide additional training and support for existing community based public computer centers designed to increase literacy and access to essential information for individuals who currently lack meaningful broadband access. The innovative character of the Washington State proposal and its focus on bringing broadband access to serve core civil access to justice concerns and the highlighted partnership with NJP have received national attention (page 221). A video of the press conference announcing this award is archived online: [http://www.ntia.doc.gov/press/2010/pressconf_09162010.html](http://www.ntia.doc.gov/press/2010/pressconf_09162010.html)

**Proposed Rules on Discovery of Electronically Stored Information**: The Committee is working with the WSBA Court Rules Committee on adopting a statewide rule based on the federal electronic discovery rules (Civil Rules 26, 33, 34, 37 and 45). Of particular importance to the Committee are the “safe harbor” and cost-shifting provisions. The Technology Committee and others have expressed concerns that because the federal courts deal with a different population than do state courts, these rules may inadvertently create access to justice issues.


**IV. LIVING HISTORY PROJECT**

At its November 13, 2009 meeting, the ATJ Board formally approved the development of a Living History of the Washington State Access to Justice Movement (page 223). The ATJ Board, its committees, and other Alliance partners have been working on related initiatives addressing leadership development, strategic communications, fundraising and friend-raising, orientation of new Alliance members and partners, innovative uses of technology, and the digitization and archiving of the documentation of the history of access to justice in Washington State.

The University of Washington Information School offered to make this one of its Capstone projects, and assigned three graduate students – Andrew McCord, Sara Votipka and Andrew Wells – to work with the ATJ Board on this initiative (page 228). The students developed a wire frame for the website and a set of recommendations for its development. The Project is beginning to develop content. With the assistance of law
students Wendy Tran and Brian Ledbetter, ATJ Board member Greg Dallaire is writing an early (1967-1985) narrative history of civil legal aid in Washington State.

V. CURRENT CIVIL EQUAL JUSTICE FUNDING

The information set forth below provides the current calendar year 2011 civil equal justice funding picture. Each funding source has its own particular set of restrictions and requirements which dictate how the money is used. The multiple small sources of public and private funds brought in by individual programs are not necessarily counted in the totals. A chart showing the sources and recipients of funds is attached (page 229).

Source:

**Legal Foundation of Washington** (includes IOLTA; does not include LAW Fund/Campaign for Equal Justice): $2.2 million.

**Federal** (Legal Services Corporation): $6.567 million.

**State** (OCLA): $11 million

**Private** (LAW Fund/Campaign for Equal Justice): $1.4 million – (administered by Legal Foundation of Washington)

Final Recipient:

**Northwest Justice Project** (statewide delivery, CLEAR and website operation, support): $5.8 million (Legal Services Corporation); $11.46 million (OCLA; of which $1.9 million is subcontracted to support six specialized legal aid providers and local pro bono programs); $200,000 (Legal Foundation of Washington).

**Columbia Legal Services, Northwest Immigrant Rights Project and other specialty programs** (serving special populations or providing representation that cannot be underwritten with state or federal funding): $5.1 million (Legal Foundation of Washington).

**Local Pro Bono Programs** (leverage local pro bono attorney involvement in legal aid delivery) $1.3 million (approximately half is funded by Legal Foundation of Washington and half is funded by the State).

VI. NEXT STEPS

The ATJ Board is grateful to Chief Justice Barbara Madsen for her interest in more frequent updates from the ATJ Board on its goals and initiatives. This will facilitate the Court’s ability to track and coordinate justice system initiatives and will provide greater guidance to the ATJ Board as it sets its annual priorities. With adequate funding from the Court, the ATJ Board will be able to continue to implement its pro se initiative and other efforts relevant to removing barriers to the justice system for those with economic and other significant barriers.
The ATJ Board thanks the Washington State Bar Association for its continued financial, staffing and administrative support, and for its demonstrated commitment to improving access to the justice system for all.

Attached is a list of the ATJ Board’s significant accomplishments since 1995 (page 230). The ATJ Board continues to be responsive to justice system needs and challenges and welcomes the opportunity to continue to serve in that capacity.
Attachments to the 2011 Annual Report
listed and paginated in order of mention

1  Order Reauthorizing the Access to Justice Board, amended April 29, 2010
5  ATJ Statement of Principles and Goals
6  Hallmarks “Core Values” Wheel
7  2010-2011 Access to Justice Board Roster
8  2011 ATJ Board Committee Chairs and Liaisons
9  Community Liaisons chart
11 2011 Legal Foundation of Washington Grantee Directory
13  Meeting Agenda: February 26, 2010
14  Meeting Agenda: March 4, 2010
15  Meeting Agenda: April 2, 2010
16  Meeting Agenda: June 4, 2010
17  Meeting Agenda: June 18, 2010
18  Meeting Agenda: July 2, 2010
19  Meeting Agenda: July 30, 2011
20  Meeting Agenda: September 10, 2010
21  Meeting Agenda: October 8, 2010
22  Meeting Agenda: November 12, 2010
24  Meeting Agenda: December 1, 2010
25  Meeting Agenda: January 14, 2011
27  Meeting Agenda: February 25, 2011
28  Retreat Agenda: April 30, 2011
30  Annual Committee Chairs Meeting Agenda: October 8, 2011
31  Equal Justice Newsletters
53  Memorandum of Understanding: WSBA Board of Governors and ATJ Board
56  ATJ Board Operational Rules
63  Proposed Recommendations from Task Force on Race in the Criminal Justice System
65  Resolution Urging Adequate Funding of the Judicial Branch 11/12/10
67  Funding for the Washington Supreme Court and the Washington State Court of Appeals
68  SB 6871 Correspondence
69  2ESSB 6508 Correspondence
70  2ESSB 5912 Correspondence
71  Resolution Opposing Legal Services Corporation Cuts
73  WSBA-ATJ letter of support for Legal Services Corporation funding
75  Opposing King County Court Fees/Ordinances 2010-0576, 2010-0577, 2010-0578, 2010-0579
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<td>Washington State Civil Equal Justice Funding Chart</td>
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<td>230</td>
<td>Access to Justice Board Significant Accomplishments</td>
</tr>
</tbody>
</table>
THE SUPREME COURT OF WASHINGTON

ORDER REAUTHORIZING THE ACCESS TO
JUSTICE BOARD

AMENDED ORDER

NO. 25700-B-50

WHEREAS, the Washington judicial system is founded upon the fundamental principle that the judicial system is accessible to all persons, which advancement is of fundamental interest to the members of the Washington State Bar Association.

WHEREAS, responding to the unmet legal needs of low and moderate income people in Washington State and others who suffer disparate access barriers, the increasing complexity of civil legal services delivery, the importance of civil equal justice to the proper functioning of our democracy, and the need for leadership and effective coordination of civil equal justice efforts in our state, the Supreme Court in May 1994 established an Access to Justice Board and directed that the Board operate for an initial two-year period.

WHEREAS, the Access to Justice Board’s initial accomplishments in the face of tremendous difficulty demonstrated the practical value of coordinated and focused leadership under the auspices of the Supreme Court and led the Court to reauthorize the Access to Justice Board for an extended five-year period.

WHEREAS, the Access to Justice Board continues to serve a critical and ongoing function essential to the effective administration of justice, the Court on November 2, 2000, reauthorized the Access to Justice Board to continue indefinitely.

WHEREAS, the Access to Justice Board is a national model that has proven its value in expanding, coordinating, and promoting effective and economical civil legal services delivery for vulnerable low and moderate income people, has developed a track record of significant accomplishments that maximized effective use of limited resources to address the civil legal needs of an increasing poverty population, and has made great strides in enhancing access to the civil justice system in Washington State.
ORDER

Now, therefore, it is hereby

ORDERED:

That the Access to Justice Board is hereby reauthorized and shall continue to be administered by the Washington State Bar Association, and is charged with responsibility to achieve equal access to the civil justice system for those facing economic and other significant barriers.

The Access to Justice Board shall consist of nine members nominated by the Board of Governors of the Washington State Bar Association and appointed by the Supreme Court. Members are appointed based on experience in and commitment to access to justice issues. Therefore, the Board of Governors shall broadly solicit and make nominations to the Supreme Court based on experience in and commitment to access to justice issues, consistent with the needs of the Access to Justice Board, including, for example, people affiliated with the following constituencies:

- Board for Judicial Administration
- Washington State Bar Association Board of Governors
- Statewide Staffed Legal Services Programs
- Volunteer Legal Services Community
- Other Members and Supporters of the Washington State Alliance for Equal Justice

The remaining four members shall be nominated on the basis of a demonstrated commitment to, and familiarity with, access to justice issues.

Of these, not less than one or more than two members of the Board shall be a nonattorney.

The membership of the Board shall reflect ethnic, gender, geographic, and other diversity.

Mid-term vacancies shall be filled in the same manner as original appointments, provided however, the solicitation for nominations may be abbreviated. The appointee for a mid-term vacancy shall fill the remainder of the vacated term and shall be eligible for reappointment up to two additional terms.

The Board shall designate one member as the chairperson of the Board who shall serve a term of two years and who shall be eligible for reappointment for one additional two-year term. An individual may continue to serve as chairperson even notwithstanding the expiration of his or her term on the Board.

Appointments shall be for a three-year term. Board members shall be eligible for reappointment for one additional term.
ORDER

The Access to Justice Board shall work to:

- Establish, coordinate and oversee a statewide, integrated, nonduplicative, civil legal services delivery system that is responsive to the needs of the poor, vulnerable and moderate means individuals;
- Establish and evaluate the performance and effectiveness of the civil legal services delivery system against an objective set of standards and criteria;
- Promote adequate levels of public, private and volunteer support for Washington State’s civil equal justice network;
- Serve as an effective clearinghouse and mechanism for communication and information dissemination;
- Promote, develop, and implement policy initiatives and criteria which enhance the availability of resources for essential civil equal justice activities;
- Develop and implement new programs and innovative measures designed to expand access to justice in Washington State;
- Promote jurisprudential understanding of the law relating to the fundamental right of individuals to secure meaningful access to the civil justice system;
- Promote widespread understanding of civil equal justice among the members of the public through public legal education;
- Promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionate access barriers; and
- Address existing and proposed laws, rules, and regulations that may adversely affect meaningful access to the civil justice system.

The Access to Justice Board may adopt internal operational rules pertinent to these powers and duties.

The Access to Justice Board shall be funded and staffed by the Washington State Bar Association, which shall have authority to establish a budget and approve expenditures.

The Board shall file with the Supreme Court and the Board of Governors of the Washington State Bar Association an annual report outlining its work during the prior 12-month period.
ORDER

DATED at Olympia, Washington this ______ day of April, 2010.

[Signatures]

Madden, J. G.

[Signatures]

[Signatures]

[Signatures]
Access to Justice
STATEMENT OF PRINCIPLES AND GOALS

(Adopted by the Access to Justice Board on May 8, 2003)

Justice involves the determination and realization of legal needs, rights and responsibilities and the fair resolution of disputes. Access to justice is based on the following principles and goals.

Principles
• Access to justice is a fundamental right in a just society.
• Access to justice requires an opportunity for meaningful participation and deliberation whenever legal needs, rights, and responsibilities are affected. Legal issues must be adequately understood, presented, and dealt with in a timely, fair, and impartial manner.
• Access to justice depends on the availability of affordable legal information and services, including assistance and representation when needed.
• Access to justice requires adequate funding, resources, and support.
• Equal justice under the law requires that access to justice be available to all people. All persons or groups shall be afforded equal access to justice regardless of the popularity of the cause involved, status, or other considerations or characteristics.

Goals
• Persons and institutions involved in the justice system must make access to justice an essential priority.
• Adequate and sustained public and private funding, resources, and support must be provided to assure access to justice for low- and moderate-income and other vulnerable persons.
• Adequate and sustained public and private funding, resources, and support must be provided to maintain a strong, independent judiciary, the individuals, institutions, and organizations that provide or assure access to justice.
• The delivery of justice must be prompt, understandable, and affordable without sacrificing quality.
• A coordinated and comprehensive statewide system for delivering legal services must be maintained.
• Available and emerging technology and other resources must fairly and efficiently maximize access to justice.
• Barriers to access to justice must be prevented, removed, or reduced.
• The justice system must be inclusive and have the values, skills, and resources necessary to meet the legal needs of a diverse and multicultural population. Access to justice shall not be limited or denied for any reason of condition or status, including race, ethnicity, nationality, religion, creed, age, gender, sexual orientation, physical or mental ability, education, language or communication skills, finances, cultural background, or social status.
• The justice system must collaborate with other persons, professions, and organizations to meet the legal and law-related needs of the public.
• Public legal education must be provided to create and sustain an informed and empowered public and to build broad support for access to justice.
The Hallmarks of an Effective Statewide Civil Legal Services (Hallmarks) adopted by the Access to Justice Board in 1995 and revised in 2004, describe the mission, core values, components and capacities upon which the statewide civil legal aid delivery system must be based. Our services must be client-focused and expansive, contemplate lawyering in its broadest sense, and acknowledge that the interests of low income people can be served only if the delivery system is dedicated to providing full and complete access to the civil justice system in a way that empowers this segment of the population to define, promote and defend its legitimate interests.

The Hallmarks have guided the development and implementation of the 1995, 1999 and 2006 State Plans, and serve as benchmarks for decision-making by the Washington State Alliance for Equal Justice.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Phone/Email</th>
<th>Term Dates</th>
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<tbody>
<tr>
<td>Ms. Kirsten Barron</td>
<td>Volunteer Legal Services Community</td>
<td>Phone: (360) 733-0212 Fax: (360) 738-2341 email: <a href="mailto:kbarron@barronsmithlaw.com">kbarron@barronsmithlaw.com</a></td>
<td>May 2009-May 2012 (1st term)</td>
</tr>
<tr>
<td>Mr. M. Wayne Blair</td>
<td>Legal Foundation of Washington</td>
<td>Phone: (206) 622-5267 Fax: (206) 292-9082 (fax) email: <a href="mailto:wayneblair@cedarhall.us">wayneblair@cedarhall.us</a></td>
<td>May 2009-May 2012 (2nd term)</td>
</tr>
<tr>
<td>Mr. Gregory R. Dallaire</td>
<td>Statewide Staffed Legal Services Community</td>
<td>Phone: (206) 324-8971 email: <a href="mailto:gdallaire1@comcast.net">gdallaire1@comcast.net</a></td>
<td>May 2008-May 2011 (2nd term)</td>
</tr>
<tr>
<td>Ms. Ishbel Dickens</td>
<td>At-Large</td>
<td>Phone: (206) 851-6385 email: <a href="mailto:ishbel@mhoaa.us">ishbel@mhoaa.us</a></td>
<td>May 2010-May 2013 (1st term)</td>
</tr>
<tr>
<td>Elizabeth Fry</td>
<td>At-Large</td>
<td>Phone: (509) 429-5936 email: <a href="mailto:efry@sisna.com">efry@sisna.com</a></td>
<td>May 2009-May 2012 (2nd term)</td>
</tr>
<tr>
<td>Hon. Steven C. González</td>
<td>Board for Judicial Administration</td>
<td>Phone: (206) 296-9145 email: <a href="mailto:steven.gonzalez@kingcounty.gov">steven.gonzalez@kingcounty.gov</a></td>
<td>May 2008-May 2011 (2nd term)</td>
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<td></td>
<td>May 2010-May 2012 (chair term)</td>
</tr>
<tr>
<td>Rep. Patricia Taylor Lantz</td>
<td>At-Large</td>
<td>Phone: (253) 265-3665 Fax: (253) 265-3375 email: <a href="mailto:patlantz@harbornet.com">patlantz@harbornet.com</a></td>
<td>May 2009-May 2012 (1st term)</td>
</tr>
<tr>
<td>Ms. Aiko Schaefer</td>
<td>At-Large</td>
<td>Phone: (206) 941-4817 email: <a href="mailto:aikoschaefer@gmail.com">aikoschaefer@gmail.com</a></td>
<td>April 2010-May 2013 (1st term)</td>
</tr>
<tr>
<td>Ms. Elizabeth Schoedel</td>
<td>WSBA Board of Governors</td>
<td>Phone: (509) 536-9437 email: <a href="mailto:eschoedel@att.net">eschoedel@att.net</a></td>
<td>May 2008-May 2011 (1st term)</td>
</tr>
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ACCESS TO JUSTICE BOARD COMMITTEES (4-11)

Access to Justice Conference Planning Committee
  Co-Chairs: Colleen Kinerk and Judge Ann Schindler
  ATJ Board Liaison: Aiko Schaefer
  Staff Liaison: Pamela Wuest

Communications Committee
  Chair: Michele Storms
  ATJ Board Liaison: Aiko Schaefer
  Staff Liaison: Nell McNamara

Delivery Systems Committee
  Co-Chairs: Dan Gottlieb and Kirsten Barron
  ATJ Board Liaison: Kirsten Barron
  Staff Liaison: Joan Fairbanks

Equal Justice Coalition
  Chair: Stan Bastian
  ATJ Board Liaison: Wayne Blair
  Staff Liaison: Nell McNamara

Executive Committee
  Chair: Judge Steve González
  Members: Chair-Elect Kirsten Barron, Greg Dallaire, Ishbel Dickens
  Staff Liaison: Joan Fairbanks

Justice Without Barriers
  Co-Chairs: Judge Greg Sypolt and Josefina Ramirez
  ATJ Board Liaisons: Kirsten Barron and Rep. Patricia Lantz
  Staff Liaison: Joan Fairbanks

Law School Relations Committee
  Co-Chairs: Ishbel Dickens and Kathleen Manning
  ATJ Board Liaison: Ishbel Dickens
  Staff Liaison: Allison Durazzi

Nominating and Leadership Development Committee
  Chair: Judge Elizabeth Fry
  ATJ Board Liaison: Judge Elizabeth Fry
  Staff Liaison: Allison Durazzi

Technology Committee
  Chair: Mike Katell
  ATJ Board Liaison: Elizabeth Schoedel
  Staff Liaison: Allison Durazzi
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<td>→ to ATJ Board</td>
<td>Dirk Marler (Judicial Services Division)</td>
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<tr>
<td>ATJ Institute at Seattle University School of Law</td>
<td>→ to ATJ Board</td>
<td>Diana Singleton</td>
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<td>Board for Judicial Administration</td>
<td>← from ATJ Board</td>
<td>Wayne Blair</td>
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<td>Civil Legal Aid Oversight Committee</td>
<td>← from ATJ Board</td>
<td>Greg Dallaire</td>
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<td>→ to ATJ Board</td>
<td>Paul Bastine</td>
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<td>Council on Public Legal Education</td>
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<td>Nell McNamara</td>
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<td>District/Municipal Court Judges Association (DMCJA)</td>
<td>→ to ATJ Board</td>
<td>Judge Veronica Alicea-Galvan</td>
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<td>Gates Scholarship Program</td>
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<td>Michele Storms</td>
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<td>Brian Rowe</td>
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<td>King County Bar Foundation</td>
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<td>Colleen Kinerk</td>
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<td>Chach Duarte White</td>
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<td>Northwest Tribal Court Judges Association</td>
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<td>Elizabeth Fry</td>
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<td>Office of Administrative Hearings</td>
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<td>Judge Lorraine Lee</td>
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<td>Public Trust and Confidence Committee</td>
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<td>Kirsten Barron</td>
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<td>Seattle City Attorney’s Office</td>
<td>→ to ATJ Board</td>
<td>Darcy DuComb</td>
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<td>→ to ATJ Board</td>
<td>Mary Przekop</td>
</tr>
<tr>
<td>Superior Court Judges Association (SCJA)</td>
<td>→ to ATJ Board</td>
<td>Judge Steve González</td>
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<td>Washington State Association of County Clerks</td>
<td>→ to ATJ Board</td>
<td>Kevin Stock</td>
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<td>WSBA Board of Governors (BOG)</td>
<td>← from ATJ Board</td>
<td>Greg Dallaire</td>
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<td>WSBA Board of Governors (BOG)</td>
<td>→ to ATJ Board</td>
<td>Loren Etengoff</td>
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<td>WSBA Committee for Diversity</td>
<td>→ to ATJ Board</td>
<td>Don Horowitz</td>
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<td>WSBA Family Law Section Executive Committee (FLEC)</td>
<td>→ to ATJ Board</td>
<td>Kathy McCann</td>
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<td>Teresa Neudorfer</td>
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<td>WSBA Pro Bono and Legal Aid Committee</td>
<td>→ to ATJ Board</td>
<td>Jim Bamberger</td>
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<td>Joanna Plichta Boisen</td>
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<td>Region/Program</td>
<td>Coordinator/Contact Information</td>
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</table>
| **Benton-Franklin Legal Aid**                                               | Barbara Otte, Coordinator  
418 N. Kellogg #E  
Kennewick, WA 99336  
(509) 734-9840  
(509) 734-9749 (fax)  
Bflegalaid2@frontier.com                                                  |
| **Blue Mountain Action Council Volunteer Attorney Program**                 | Luis Rosales, Coordinator  
342 Catherine St.  
Walla Walla, WA 99362  
(509) 386-4498  
(509) 529-4985 (fax)  
luisr@bmacww.org                                                            |
| **Chelan-Douglas County VAS**                                               | Kelly Delong, Executive Director  
300 Okanogan Ave Suite 3-B  
Wenatchee, WA 98801  
(509) 663-2778  
(509) 663-2360 (fax)  
edvas@nwi.net                                                                |
| **Clallam-Jefferson County Pro Bono Lawyers**                              | Nancy Rohde, Coordinator  
816 East 8th Street  
Port Angeles, WA 98362  
(360) 417-0818  
(360) 417-9161 (fax)  
probonolawyers@gmail.com                                                    |
| **Clark County VLP**                                                        | Susan Arney, Program Director  
1409 Franklin, Suite 101  
Vancouver, WA 98660  
Program Director (360) 823-0423  
Intake (360) 695-5313  
Fax (360) 823-0621  
susana@ccbavlp.com                                                           |
| **Columbia Legal Services**                                                 | John Midgley, Director  
Bev Miller, Office Manager (ext.286)  
101 Yesler Way #300  
Seattle, WA 98104  
(206) 464-1122  
(206) 626-5366 (fax)  
John.Midgley@columbialegal.org  
Bev.Miller@columbialegal.org                                                  |
| **Cowlitz Wahkiakum Legal Aid**                                             | Kendra Sprague, Coordinator  
1526 Commerce Avenue  
Longview, WA 98632  
(360) 425-3430 Ext. 206  
(360) 425-2579 (fax)  
cwlap@live.com                                                               |
| **Eastside Legal Assistance Program**                                       | Stan Kehl, Executive Director  
1510 140th Ave NE Suite 110  
Bellevue, WA 98005  
(425) 747-7274  
(425) 747-7504  
stan@elap.org                                                                 |
| **Grant-Adams Volunteer Legal Services (GAVLS)**                           | Diana Barron  
1405 Pioneer Way South, Ste A, Moses Lake, WA 98837  
(509) 765-9693  
(509) 765-9714 (fax)  
dianab@gavlswa.org                                                           |
| **King County Bar Association Pro Bono Services**                          | Threesa Milligan, Director  
The IBM Building  
1200 5th Ave. Suite 600  
Seattle, WA 98101  
(206) 267-7018 (Threesa)  
(206) 267-7100 (general)  
(206) 267-7099 (fax)  
ThreesaM@KCBA.org                                                            |
| **Kitsap Legal Services**                                                   | Alisha Freeman, Executive Director  
P.O. Box 1446  
Bremerton, WA 98337  
(360) 377-4678 ext.12  
(360) 479-6125  
(360) 373-8896 (fax)  
alisha@kitsaplegalservices.org                                               |
| **Legal Assistance by Whatcom (LAW)Advocates**                             | Terra Nevitt, Executive Director  
P.O. Box 937  
Bellingham, WA 98227  
(360) 617-6079, Ext. 24  
(360) 617-6082 (fax)  
terra@lawadvocates.org                                                        |
| **Lewis County Bar Legal Aid**                                              | Larry Cook, Executive Director  
PO Box 117  
Chehalis, WA 98532  
(360) 748-9884  
(360) 748-7715 (fax)  
lclegalaid_ljc@localaccess.com                                               |
| **Northwest Immigrant Rights Project**                                      | Jorge Baron, Executive Director  
615 2nd Avenue, Suite 400  
Seattle, WA 98104  
(206) 957-8609 (Jorge)  
(206) 587-4009 (general)  
(206) 587-4025 (fax)  
Jorge@nwirp.org                                                               |
| **Seattle Community Law Center**                                            | Alex Doolittle, Executive Director  
1265 S. Main Street, Suite 310  
Seattle, WA 98144  
(206) 686-7252 x104  
(206) 903-0675 (fax)  
Alex@SeattleCommLaw.org                                                        |
| **Skagit County Community Action Agency VLS Program**                       | Eva Wescott, Coordinator  
330 Pacific Place  
Mt. Vernon, WA 98273  
(360) 416-7585  
(360) 416-7599 (fax)  
evaw@skagitcap.org                                                            |
| **Snootah County Legal Services**                                           | Anita Hale, Executive Director  
PO Box 5675  
Everett, WA 98206  
(425) 258-9283 x11  
(425) 252-5945 (fax)  
anitah@snoolegal.org                                                          |
| **Solid Ground**                                                            | Tony Lee, Program Director  
Evonne Zook  
1501 North 45th Street  
Seattle, WA 98103  
(206) 694-6796 – Tony  
(206) 694-6709 - Evonne  
(206) 694-6777 (fax)  
tonyl@solid-ground.org                                                        |
<table>
<thead>
<tr>
<th>Spokane County Bar Association VLP</th>
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<tbody>
<tr>
<td>Kellee Spangenberg, Coordinator</td>
</tr>
<tr>
<td>1704 West Broadway Avenue</td>
</tr>
<tr>
<td>Spokane, WA 99201</td>
</tr>
<tr>
<td>(509) 462-3701</td>
</tr>
<tr>
<td>(509) 232-3051 (fax)</td>
</tr>
<tr>
<td><a href="mailto:kspan@spokanebar.org">kspan@spokanebar.org</a></td>
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<thead>
<tr>
<th>Tacoma-Pierce County Bar Association VLS Program</th>
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<tr>
<td>Laurie Davenport, Program Director</td>
</tr>
<tr>
<td>621 Tacoma Ave South, Suite 303</td>
</tr>
<tr>
<td>Tacoma, WA 98402</td>
</tr>
<tr>
<td>(253) 572-5134</td>
</tr>
<tr>
<td>(253) 274-1888 (fax)</td>
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<tr>
<td><a href="mailto:vls@drizzle.com">vls@drizzle.com</a></td>
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<tr>
<th>TeamChild Advocacy for Youth</th>
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<tr>
<td>Annie Lee, Executive Director</td>
</tr>
<tr>
<td>1225 South Weller St., Suite 420</td>
</tr>
<tr>
<td>Seattle, WA 98144</td>
</tr>
<tr>
<td>(206) 322-2444 x102</td>
</tr>
<tr>
<td>(206) 381-1742 (fax)</td>
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<tr>
<td><a href="mailto:anne.lee@teamchild.org">anne.lee@teamchild.org</a></td>
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<tr>
<th>Thurston County Volunteer Legal Services Foundation</th>
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<tbody>
<tr>
<td>Bruce Conklin, Program Director</td>
</tr>
<tr>
<td>PO Box 405</td>
</tr>
<tr>
<td>Olympia, WA 98507-0405</td>
</tr>
<tr>
<td>(360) 705-0473 – Director’s Line</td>
</tr>
<tr>
<td>(360) 705-8194 – Client Line</td>
</tr>
<tr>
<td>(360) 252-6584 (fax)</td>
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<td><a href="mailto:tcvlegal@hotmail.com">tcvlegal@hotmail.com</a></td>
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<tr>
<th>Unemployment Law Project</th>
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<tr>
<td>Marc Lampson, Director</td>
</tr>
<tr>
<td>1904 Third Ave Suite 604</td>
</tr>
<tr>
<td>Seattle, WA 98101</td>
</tr>
<tr>
<td>(206) 441-9178 *817</td>
</tr>
<tr>
<td>(206) 727-4819 (fax)</td>
</tr>
<tr>
<td><a href="mailto:marc@ulproject.org">marc@ulproject.org</a></td>
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<th>Volunteer Lawyer Program of Island County</th>
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<tbody>
<tr>
<td>Odette Akers, Director</td>
</tr>
<tr>
<td>380 SE Pioneer Way, Ste. 1B</td>
</tr>
<tr>
<td>Oak Harbor, WA 98277</td>
</tr>
<tr>
<td>(360) 675-4750</td>
</tr>
<tr>
<td>(360) 675-4752 (fax)</td>
</tr>
<tr>
<td><a href="mailto:director@vlpic.org">director@vlpic.org</a></td>
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<th>Yakima County VAS</th>
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<tr>
<td>Claudia Garza, Program Manager</td>
</tr>
<tr>
<td>6 South 2nd Street #510</td>
</tr>
<tr>
<td>Yakima, WA 98901</td>
</tr>
<tr>
<td>(509) 453-4400</td>
</tr>
<tr>
<td>(509) 575-5530</td>
</tr>
<tr>
<td><a href="mailto:cgarza@yakimavas.org">cgarza@yakimavas.org</a></td>
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<tr>
<th>Board President: Sarah Wixson</th>
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<tr>
<td><a href="mailto:Sarah.Wixson@stokeslaw.com">Sarah.Wixson@stokeslaw.com</a></td>
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AGENDA
Access to Justice Board
February 26, 2010
9:30 a.m. – 11:45 a.m.
Washington State Bar Association

9:30-9:40 Welcome and Introductions – Dan Gottlieb

*Approval of January 15, 2010 ATJ Board Meeting Minutes – Dan Gottlieb
[p. 9]

9:40-10:00 *Approval of Implementation Proposal for the ATJ Board’s Performance Standards – Judge Steve González [p. 17]

10:00-10:10 *Approval of Proposed Changes to ATJ Board Annual Awards – Kirsten Barron [p. 19]

10:10-10:20 *Assignment of ATJ Board Members to Upcoming Legal Community Events – Greg Dallaire [p. 23]

10:20-10:45 ATJ Board’s FY 2011 Supreme Court Funds: Discussion of Proposed Projects – Kirsten Barron

10:45-11:00 Legal Foundation of Washington Report – Andrea Axel, LFW Grants Manager

11:00-11:45 Updates:
• GR 35 – Judge Steve González [p. 25]
• Equal Justice Coalition – Nell McNamara
• Office of Civil Legal Aid – Jim Bamberger
• JusticeNet – Don Horowitz
• Pro Se Initiative – Kirsten Barron and Pat Lantz
• WSBA BOG – Greg Dallaire [p. 29]
• Board for Judicial Administration (BJA) – Wayne Blair
• March 4 ATJ Board Meeting with the Supreme Court – Dan Gottlieb
• (Other updates are welcome as time permits)

11:45 The ATJ Board will adjourn to attend the Annual Goldmark Award Luncheon at the Red Lion Hotel. The ATJ Board will not reconvene after the Luncheon.

* = Action Needed

Future Meetings:
April 2, 2010 (Washington State Bar Association)
June 4, 2010 (Wenatchee)
AGENDA

Annual Joint Meeting of the Washington State Supreme Court and the Washington State Access to Justice Board

Thursday, March 4, 2010
Temple of Justice
Olympia, Washington
1:00 – 2:30 p.m.

I. Introductions and Opening Remarks

II. ATJ Board Order – Proposed Changes as Recommended by the ATJ Board and Approved by the WSBA Board of Governors: Dan Gottlieb

III. Discussion of Proposed Rules: Judge Steve González

A. GR 34 – Waiver of Court and Clerks’ Fees and Charges in Civil Matters on the Basis of Indigency
B. GR 35 – Clerk’s Fees and Charges
C. Legal Technician Rule

IV. Report on the Supreme Court-Funded Pro Se Project: Kirsten Barron

V. Report from the WSBA’s Pro Bono and Legal Aid Committee: Greg Dallaire

A. Review of RPC 6.1
B. Proposed Changes to Emeritus Status
C. Proposed Supreme Court Honor Role

VI. Assessment of Supreme Court Commissions, Boards and Advisory Committees

VII. Current Justice System Funding Challenges: Wayne Blair

VIII. Opportunity for Questions about the ATJ Board’s Annual Report
AGENDA
-REVISED-
Access to Justice Board
April 2, 2010
9:30 a.m. – 3:30 p.m.
Washington State Bar Association

9:30 – 10:00 am Welcome and Introductions
*Approval of February 26, 2010 ATJ Board Minutes [p. 9]

10:00 – 10:30 Remarks by King County Superior Court Presiding Judge Bruce Hilyer and Opportunity for Discussion

10:30 – 10:45 *2011-2013 Supreme Court Budget Development: ATJ Board Chair Dan Gottlieb [p. 37(late materials)]

10:45 – 11:00 * Request for Quotations (RFQ) for the ATJ Leadership Development Initiative – status and next steps: ATJ Board Member Judge Betty Fry [p. 17]

11:00 – 11:15 *ATJ Board assignments to legal community events: ATJ Board member Greg Dallaire [p. 25]

11:15 – 11:30 Legislative Report – Civil Legal Aid and Court Funding: Equal Justice Coalition Director Nell McNamara and Office of Civil Legal Aid Director Jim Bamberger

11:30 – 12:00 Demonstration of Upgrades to Alliance GIS Mapping System: Jim Bamberger

12:00 – 1:00 pm Lunch
Thank you, Dan Gottlieb, for your service as Chair of the ATJ Board!

1:00 – 3:30 pm Updates
ATJ Board Updates:
• *Annual Access to Justice Board Retreat (April 30, 2010): ATJ Board Chair-Elect Judge Steve González [p. 57 (late materials)]
• Annual Access to Justice/Bar Leaders Conference (June 4-6, 2010): Sharlene Steele [p. 27]
• ATJ Board Delivery System Committee: Dan Gottlieb
• Justice/Net: Don Horowitz
• Pro Se Project

Liaison Updates:
• Board of Governors: Greg Dallaire
• Board for Judicial Administration: ATJ Board Member Wayne Blair
• LAW Fund: Director Karen Falkingham
• Other?

* = Action Needed
Next Meeting: June 4, Wenatchee
AGENDA
Access to Justice Board
June 4, 2010
10:00 a.m. – Noon
Coast Wenatchee Convention Center
Grand Apple South

10:00 – 10:10  Welcome and Introductions

10:10 – 10:30  *Approval of April 2, 2010 Meeting Minutes – Judge Steve González [p. 5]
*Approval of April 30, 2010 ATJ Board Retreat Minutes – Judge Steve González [p. 9]
*Appointment of new ATJ Board Executive Committee Member – Judge Steve González
*Nomination of Civil Legal Aid Oversight Committee Member – Judge Elizabeth Fry [p. 17-49]
*Approval of ATJ Board meeting schedule (September 2010 – August 2011) – Judge Steve González [p. 50-51]
*ATJ Board assignments to community legal events – Greg Dallaire [p. 52]

10:30 – 11:00  *Discussion of Proposed ATJ Board Priorities and FY 2010 Supreme Court Funding Priorities – Judge Steve González

11:00 – 11:30  *Approval of Leadership Development Initiative – Judge Elizabeth Fry [p. 55-115]

11:30 – 11:50  *Discussion of proposed amendments to GR 34 – Judge Steve González [p. 116-123]

11:50 – Noon  Review of ATJ Conference Schedule – Joan Fairbanks

Noon – 1:30  Adjourn
ATJ Board joins the Board of Governors for Lunch

Next Meeting:  July 30, 2010

*Action Needed
AGENDA
Access to Justice Board
June 18, 2010
8:30 – 10:30 a.m.
Washington State Bar Association

Videoconferencing will be available!
Please review instructions attached to the e-mail re this meeting.

I. *Approve June 4, 2010 ATJ Board Meeting Minutes
II. *Finalize ATJ Board Priorities
III. *Discuss Proposals for 2010-11 Supreme Court Funds ($50,000)
IV. Other Business

* = Action Needed
AGENDA
Access to Justice Board
July 2, 2010
8:00 – 9:30 a.m.
Washington State Bar Association

Conference Call Information:
1-888-346-3659
Entry Code: 52140#

I. *Approve June 18, 2010 ATJ Board Meeting Minutes
II. *Approve proposals for 2010-11 Supreme Court Funds ($50,000)
III. Other Business

* = Action Needed
AGENDA
Access to Justice Board
July 30, 2010
9:30 a.m. – 4:00 p.m.
Washington State Bar Association

9:30 – 10:00  Welcome and Introductions
*Approval of July 2, 2010 ATJ Board meeting minutes [p. 6-8]

10:00 – 10:30  *Approval of 2010-11 ATJ Board meeting schedule [p. 9]
*ATJ Board assignments to legal community events [p. 11-12]
*Appointment of Annual ATJ Board Committee Chairs Meeting planning committee

10:30 – 11:00  *Approval of the joint ATJ Board/Administrative Office of the Courts/Office of Administrative Hearings State Pro Se Plan and next steps: Co-Chair Kirsten Barron [p. 63-94]

11:00 – 11:30  *Approval of ATJ Board Performance Standards Workgroup Recommendations: Workgroup Chair Judge Steve González [p. 43]

11:30 – noon  Update from ATJ Board Outreach Taskforce: ATJ Board Member Aiko Schaefer

Noon – 12:30  Lunch

12:30 – 1:00  Update on Civil Legal Representation Initiative – Deborah Perluss, Jill Dutton and Lisa Brodoff [p. 45-50]

1:00 – 1:30  Advocacy Report – Columbia Legal Services Staff Attorney (tbd)

1:30 – 2:00  Presentations by new Seattle University School of Law Post-Graduate Fellows: Bette Fleishman, Maria Chavez, Nick Allen [p. 51]

2:00 – 2:30  Presentation on the new WSBA Moderate Means Program – Aline Carton, WSBA Home Foreclosure Legal Aid Project Manager [p. 53-58]

2:30 – 4:00  Liaison Updates:

- WSBA Board of Governors – ATJ Board Member Greg Dallaire
- Board for Judicial Administration – ATJ Board Member Wayne Blair
- Legal Foundation of Washington – Executive Director Caitlin Davis Carlson
- Office of Civil Legal Aid – Director Jim Bamberger
- Other as requested

*Action Needed

Future Meetings:
September 10, 2010
October 8, 2010
AGENDA
Access to Justice Board
September 10, 2010
9:30 a.m. – 1:00
Washington State Bar Association

9:30 – 10:00 am: Welcome and Introductions
*Approval of July 30, 2010 ATJ Board Meeting Minutes
*Approval of the June 4, 2010 ATJ Board Meeting Minutes
ATJ Board’s Chair’s Report: Judge Steven C. González

10:00 – 10:15: *Approval of recommendations from the ATJ Board Awards Committee: Greg Dallaire
*ATJ Board Assignments to Legal Community Events: Judge Steve González

10:15 – 11:00: Advocacy Report: Page Henkel Chance, LAW Advocates, Bellingham

11:00 – Noon: ATJ Board Updates
• Annual ATJ Board Committee Chair Meeting: Kirsten Barron
• ATJ Board Leadership Development Initiative: Judge Elizabeth Fry
• Equal Justice Coalition

Liaison Updates
• Washington State Bar Association: Greg Dallaire
• Board for Judicial Administration: Wayne Blair
• Office of Civil Legal Aid: Jim Bamberger
• Legal Foundation of Washington: Caitlin Davis Carlson
• Other?

Noon – 1:00 pm: Lunch

1:00 pm: Adjourn

* Action Needed

Future Meetings:
October 8, 2010
November 12, 2010
December 17, 2010
AGENDA
Access to Justice Board
October 8, 2010
1:00 – 4:00 p.m.
Washington State Bar Association

1:00 – 1:15  Welcome and Introductions
*Approval of September 10, 2010 ATJ Board Meeting Minutes [p. 9]
*ATJ Board Assignments to Legal Community Events: Judge Steve González [p. 15]

1:15 – 1:30  ATJ Board Chair’s Report: Judge Steve González [p. 17]

1:30 – 2:00  *Allocation of ATJ Board Supreme Court Funds for FY 2011: Judge Steve González [p. 19]

2:00 – 2:30  *ATJ Board Awards Committee Recommendations: Kirsten Barron [p. 21]

2:30 – 3:00  Update from the ATJ Board Technology Committee: Chair Mike Katell

3:00 – 4:00  ATJ Board Updates

   Equal Justice Coalition: Nell McNamara
   Pro Se Project: Pat Lantz
   Leadership Development Initiative: Elizabeth Fry

   Liaison Updates

   *JusticeNet*: Don Horowitz [p. 25]
   Right to Counsel Pilot Project Proposal: Deborah Perluss
   Washington State Bar Association: Greg Dallaire
   Board for Judicial Administration: Wayne Blair
   Office of Civil Legal Aid: Jim Bamberger
   Legal Foundation of Washington: Caitlin Davis Carlson

Adjourn

* Action Needed

Future Meetings:
November 12, 2010
December 17, 2010
AGENDA
Access to Justice Board
November 12, 2010
9:30 a.m. – 4:00 p.m.
Washington State Bar Association

9:30 – 10:30 Welcome and Introductions
   *Approval of October 8, 2010 ATJ Board Meeting Minutes [p. 9–12]
   ATJ Board Chair’s Report: Judge Steve González
   *Approval of Proposed Amendments to GR 33: Judge Steve González [p. 19–28]

10:30 – 11:00 Presentation of the Washington State Bar Foundation’s proposal to WSBA for a Dues Check-Off: WSBF President Ronald R. Ward

11:00 – Noon *Proposed Policy on ATJ Board Committee Chair Leadership Succession: Allison Durazzi [p. 29–30]
   *Assignment of ATJ Board Members to Legal Community Events [p. 31–33]
   Thank you, Sharlene Steele!

Noon – 12:30 Lunch

12:30 – 1:00 *ATJ Board Outreach and External Relations Task Force Recommendations: Aiko Schaefer [p. 34–35]

1:00 – 1:30 Advocacy Report: Matt Adams, Northwest Immigrant Rights Project
   Franco-Gonzalez et al v. Holder et al. NWIRP is collaborating with several partners around the country. This case represents the first class action challenging the removal process on behalf of immigrant detainees with severe mental disabilities. The suit asks a federal district court in California to order the U.S. government to create a system for determining which non-citizens lack the mental competence to represent themselves and to appoint legal representation for those who are unable to defend themselves. Unlike the criminal court system – where appointed counsel is part of due process – immigration courts and detention facilities have no safeguards for ensuring that the rights of people with serious mental disabilities are protected.

1:30 – 2:00 Discussion of upcoming ATJ Board Vacancies: Judge Steve González [p. 36]

2:00 – 2:30 Discussion of Election Results: Ishbel Dickens

2:30 – 4:00 ATJ Board Updates:
   Law School Relations Committee: Ishbel Dickens
   Equal Justice Coalition: Nell McNamara
   others

continued on next page
Liaison Updates:
WSBA Legislative Committee: Pat Lantz
Board of Governors: Greg Dallaire
Board for Judicial Administrative: Wayne Blair
Legal Foundation of Washington: Caitlin Davis Carlson
Office of Civil Legal Aid: Jim Bamberger
others

* = action requested

Future Meetings:
December 17, 2010
January 14, 2011
February 25, 2011
Joan Fairbanks

From: Joan Fairbanks [joanf@wsba.org]
Sent: Monday, November 29, 2010 1:19 PM
To: Access to Justice Board Executive Committee
Cc: charlesrdyer@clearwire.net; lgreiner@seanet.com; merrie.gough@courts.wa.gov; atj-exec@list.wsba.org; don.horowitz@gmail.com; Aiko Schaefer; efy@sisna.com; eschoedel@att.net; Patricia Lantz; wayneblair@cedarhall.us
Subject: [atj-exec] ATJ Board materials for December 1 en banc

Dear Camilla:

Following is a list of documents for inclusion in the Supreme Court’s December 1, 2010 en banc binder. The documents are attached to this e-mail in PDF format.

The ATJ Board’s update will include the following presenters and topics. Documents are listed in the order they will be discussed.

ATJ Board Chair Hon. Steven C. González:
ATJ Board Budget
Korematsu Center for Law and Equality: Upcoming Event on Race and Bias in the Justice System

ATJ Board Chair-Elect Kirsten Barron:
ATJ Board/AOC/Office of Administrative Hearings State Pro Se Plan
Plain Language Forms Initiative

ATJ Board Technology Committee Member (and former Technology Committee Chair) Don Horowitz:
Request for ATJ Board members on the Judicial Information Systems Committee
JusticeNet
Implementation of the Access to Justice Technology Principles

Tab 1: Access to Justice Board Update

A. State Pro Se Plan Executive Summary
B. State Pro Se Plan
C. November 22, 2010 Letter from Judge Laura Middaugh to Chief Justice Madsen
D. About Transcend
E. Sample State Plain Language Forms:
   Guam (Order of Conditional Release and Appearances Bond): Before and After Plain Language Revision
   Guam (Small Claims Division Summons): Before and After Plain Language revision
   West Virginia (Community Corrections Direct Sentencing Order): Before and After Plain Language Revision
   Tennessee (Statutory Injunction Against Both Parties): Before and After Plain Language Revision
F. November 29, 2010 Letter to Chief Justice Madsen re ATJ Board Membership on the JISC
G. ATJ-JIS Joint Meeting Report revised 12-31-03 (sent as an attachment to November 29, 2010 Letter to Chief Justice Madsen re ATJ Board Membership on the JISC)
I. Washington State Access to Justice Technology Principles
AGENDA
Access to Justice Board
January 14, 2011
9:30 a.m. – 3:00 p.m.
Washington State Bar Association

9:30 – 10:00 Welcome and Introductions
   *Approval of November 12, 2010 ATJ Board Meeting Minutes p. 11
   ATJ Board Chair’s Report: Judge Steve González

10:00 – 10:15 *Approval of Recommendations for New ATJ Board Members: Elizabeth Fry late materials

10:15 – 10:30 *Approval of ATJ Board Performance Standards Workgroup Recommendations: Judge Steve González p. 17

10:30 -11:00 *Approval of Leadership Development Initiative design, and plan for exploring funding possibilities for Phase 2. Elizabeth Fry late materials

11:00 – 11:15 LFW Report: Executive Director Caitlin Davis Carlson

11:15 – 11:45 *Appointment of Access to Justice Board Representative to the WSBA Local Rules Task Force: Greg Dallaire
   *Assignment of ATJ Board members for new BOG member orientations: Greg Dallaire p. 32
   *Appointment of Annual ATJ Board Retreat Committee: Judge Steve González
   *Assignment of ATJ Board Members to Legal Community Events: Judge Steve González p. 33

11:45 – 1:30 KCBA Annual Dr. Martin Luther King, Jr. Luncheon – Sheraton Hotel

1:30 – 1:45 Thank You to Outgoing ATJ Board Law School Relations Committee Co-Chairs Steve Fredrickson and Lynn Greiner

1:45 – 3:00 Legislative Report: Office of Civil Legal Aid Director Jim Bamberger and Equal Justice Coalition Director Nell McNamara
   LAW Fund Report: Director Karen Falkingham
Status Report on Civil Right to Counsel: CIRCLE Member Deborah Perluss

Liaison Reports:
  Board of Governors: Greg Dallaire
  Board for Judicial Administrative: Wayne Blair
  Other

* = Action

Future Meetings:
February 25, 2011
March 3, 2011 (Annual ATJ Board meeting with the Supreme Court)
April 29 (Annual ATJ Board retreat)
June 3 (ATJ Conference - Kennewick)
AGENDA
-REVISED-
Access to Justice Board
February 25, 2011
9:30 a.m. – 11:45 a.m.
Washington State Bar Association

9:30 – 10:00 Welcome and Introductions
   *Approval of January 14, 2011 ATJ Board Meeting Minutes (p. 13-17)
   ATJ Board Chair’s Report: Judge Steve González (out of order, p. 41–57)

10:00 – 10:30 Presentation by King County Superior Court Presiding Judge Richard McDermott


10:45 – 11:00 *Proposal for an ATJ Board Social Media Presence Page: Michele Storms, ATJ
   Communications Committee Chair and Law School Relations Committee member
   (p. 29-30)

11:00 – 11:15 Legislative Update: EJC Director Nell McNamara, OCLA Director Jim Bamberger

11:15 – 11:45 *Assignment of ATJ Board Members to Legal Community Events: Judge González (p. 31)
   Thank you, Millicent!
   Discussion of “Minority Report — Commissions Boards Task Forces Assessment Project”
   (out of order, p. 59–44)
   Other Updates

11:45 – 1:30 Adjourn to attend Annual Goldmark Awards Luncheon and related events (see below)
   (Red Lion Hotel)

2:00 – 4:00 All are invited to participate in an ATJ Board Delivery Systems Committee-facilitated
   discussion on how pro bono services are delivered statewide in light of potential
decreased resources. (Red Lion Hotel)

4:30 – 5:30 All are invited to the ATJ Board’s Law School Relations Committee Public Interest Law
   Student Happy Hour, at and sponsored by Davis Wright Tremaine, 1201 Third Avenue,
   Suite 2200

* = Action

Future Meetings:
April 28 (Annual ATJ Board meeting with the Supreme Court)
April 29 (Annual ATJ Board retreat)
June 3 (ATJ Conference - Kennewick)
AGENDA
ATJ Board Annual Retreat
April 30, 2010
1904 Third Avenue
Seattle
9:30 – 4:00

9:30 – 10:00  **Introductions** – Aiko Schaefer

Welcome Ishbel!  Aiko will spend a few minutes introducing Ishbel to each of the ATJ Board members and staff.

10:00 – 11:30  **Status of Current ATJ Board Priorities** – Kirsten Barron (and ATJ Board Committee Liaisons)

Kirsten will lead us in a discussion on the progress of the implementation of the ATJ Board’s 2009-10 priorities. This discussion will include a brief review of the activities of each ATJ Board Committee and the impact of those activities on the ATJ Board’s priorities. ATJ Board liaisons to these committees will lead the discussions about their respective committees. These discussions will inform the afternoon decisions regarding priorities and funding.

11:30 – noon  **Internal Operations** – Greg Dallaire

At the July 2009 retreat, the ATJ Board developed a number of recommendations to improve ATJ Board participation and the internal operations of the ATJ Board. Although many of these have been implemented, we are interested in knowing how well they are working for members of the ATJ Board. The materials include a memorandum from Greg Dallaire outlining areas for discussion.  **Action Needed**

Noon – 1:00  **Lunch**

Conversation with King County Superior Court Presiding Judge Bruce Hilyer

1:00 – 1:30  **Leadership Succession on ATJ Board Committees** – Wayne Blair and Judge Betty Fry

The ATJ Board’s Operational Rules state that “[s]tanding committees are encouraged to recommend chairs and plan for leadership succession, but the designation of standing committee chairs will be approved by the Board. In the absence of a standing committee recommendation, the Board will appoint a committee chair.” VI. C. 2. With few exceptions, there are no leadership succession plans for ATJ Board committees. How can the ATJ Board encourage leadership succession planning?  **Action Needed**
1:30 – 2:00 Technology Needs of the ATJ Board and its Committees – Elizabeth Schoedel and Joan Fairbanks

The ATJ Board will have the full-time volunteer services this summer of Brian Ledbetter, a UW law student with technology expertise. The Board needs to develop a work plan for Brian to support current committee initiatives. This discussion may also inform the ATJ Board priorities and utilization of Supreme Court funds. **Action Needed**

2:00 – 2:30 ATJ Board Communications Plan – Aiko Schaefer and Allison Durazzi

The ATJ Board from time to time has needed to communicate externally about something specific to the ATJ Board (e.g., press release regarding Judge González receiving the Hispanic National Bar Association Latino Judge of the Year Award). Is there a need for the ATJ Board to have a communications plan, which is separate from the ATJ Board’s Communications Plan currently being implemented by its Communications Committee? **Action may be needed.**

2:30 – 2:45 Break

2:45 – 3:15 ATJ Board Communications - Pat Lantz and Joan Fairbanks

How effective is current communication (1) among Board members; (2) between the ATJ Board and Alliance; (3) between the Board and WSBA; (4) between Board members and staff? Are there suggestions for improvement? **Action may be needed.**

3:15 – 3:45 Development of 2010-11 ATJ Board Priorities – Judge Steve González

Each spring the ATJ Board sets its priorities for the next twelve months. **Action Needed**

3:45 – 4:15 FY 2011 Supreme Court Funds – Dan Gottlieb

Each spring the ATJ Board decides how to spend its annual allocation from the Supreme Court. We have $50,000 for the second year of the current biennium (July 1, 2010 – June 30, 2011). **Action Needed**

4:15 – 4:30 Wrap-up
ATJ Board Annual Meeting with Committee Chairs
Friday, October 8, 2010
9:30 am – 1:00 pm

1. Welcome 9:30 – 9:45 am
   a. ATJ Board Chair Hon. Steve González
   b. WSBA Deputy Director of External Relations Steve Larsen

2. Committee Overviews, Kirsten Barron and committee chairs 9:45 – 10:45
   a. Access to Justice Conference Planning
   b. Communications
   c. Delivery Systems Committee
   d. Equal Justice Coalition
   e. Justice Without Barriers
   f. Law School Relations
   g. Nominating and Leadership Development
   h. Performance Standards
   i. Technology

3. Break 10:45 – 11:00

4. Leadership Succession on Committees, Ada Shen-Jaffe 11:00 – 12:30 pm
   In the sixteen years since the Access to Justice Board was established, the ATJ Board has
developed and overseen a committee structure capable of promoting the ATJ "Hallmarks" and
carrying out the Board's priorities and initiatives. As our ATJ community has grown and
matured, the support, coordination and responsibility for leadership development and
succession planning for the 250 volunteers who populate these committees has become a
challenging undertaking.

   Leadership development is one of the ATJ Board's priorities for the year, consistent with the
current State Plan and with recommendations from the ATJ Board's Nominating & Leadership
Committee. In addition, a work group has been working on an important resource component
for leadership development, the "ATJ Living History Project".

   We need our ATJ Board Committee Chairs to be an essential source of input and ideas for how
we can best support leadership development and succession planning within our working
committees as well as throughout the ATJ community. An important step is to solicit your
suggestions about leadership development and succession planning on ATJ Board Committees.
Thank you for your willingness to join us on Friday, October 8th, 2010. Please come prepared to
share your ideas.

5. Lunch / Mingle 12:30 – 1:00 pm

6. ATJ Board meeting commences 1:00 pm
   Committee chairs are welcome to stay for the ATJ Board meeting.
Equal Justice Newsletter

Help Protect Funding for Legal Aid
2010 Washington State Legislative Session

The House and Senate are in the midst of supplemental budget negotiations. For Fiscal Year 2011 (the last year of this biennium), funding for the Office of Civil Legal Aid is protected in the House budget, but reduced in the Senate budget. Funding for the Office of Civil Legal Aid allows the Northwest Justice Project and Alliance for Equal Justice partners around the state to help thousands of families with urgent legal problems.

The Equal Justice Coalition is working to prevent cuts to legal aid and achieve the House level of funding in the final budget. Join Us and Take Action Now! Your legislators want to hear from YOU. Just a few minutes of your time will make a BIG difference for families struggling to survive poverty in Washington.

Not sure how to take action online? Ask the Equal Justice Coalition for help: 206.447.8168.

Columbia Legal Services

A Voice for Low-Income People in Olympia

Washington’s budget crisis seriously impacts low-income populations. Columbia Legal Services’ Olympia office is working with a coalition of advocates to protect programs and legislation that benefit vulnerable families and communities. Columbia Legal Services is a nonprofit law firm that, as part of the Alliance for Equal Justice, represents people and organizations in Washington State with critical legal needs who have nowhere else to turn. Learn about Columbia Legal Services’ advocacy in Washington’s 2010 legislative session.

Need to Know

- Steve Fredrickson was honored with 2010 Charles Goldmark Distinguished Service Award at the Legal Foundation of Washington’s annual Goldmark Lunch.
  Read Steve’s profile in the King County Bar Bulletin, Mark

with severe
dementia turns to
the Northwest
Justice Project for
housing help.

READ ANDY’S STORY.

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Johnson and the Washington State Bar Association’s 2008-2009 Board of Governors and the Bill & Melinda Gates Foundation received the 2010 President’s Award in recognition for their extraordinary support of legal aid in Washington.

Chief Justice Barbara Madsen delivered the 2010 State of the Judiciary Address on January 22, 2010

Upcoming Alliance Events - don’t miss anything! Check out the Alliance Event Calendar.

Equal Justice in the News
Keep up on equal justice in the news - visit our media archive.

- Mabton nursery settles with former employees
- Barbara Madsen: Renton’s home-grown chief justice
- Never neglect the power of telling a story
- A sight all too familiar in poor neighborhoods
- Jail education settlement reached
- Settlement cash will refinance state foreclosure prevention efforts
- Immigrants often see peril in reporting domestic abuse


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Equal Justice Newsletter

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May 2010

Grassroots Advocacy Protects Legal Aid:
Minimal State Funding Cuts in 2010

With the state facing a persistent budget shortfall in the billions, the Legislature
continued to recognize the critical importance of legal aid in Washington. The Office of Civil
Legal Aid received a relatively small reduction in the 2010 Supplemental Session and
TeamChild funding was maintained. Relatively stable funding will help Northwest Justice Project,
TeamChild and other Alliance partners provide legal help to thousands of low-income families in crisis. More than 300 people
took part in our grassroots advocacy - Congratulate the Equal
Justice Coalition’s 2010 Session Superstars for standing up and
making a difference.

Washington Goes to Washington
EJC’s Annual Legal Aid Lobbying Trip to D.C.

In April, an energetic group of legal aid supporters urged our U.S.
Senators and Representatives to support increased funding for the
Legal Services Corporation. Washington Supreme Court Justice
Mary Fairhurst, Attorney General Rob McKenna, Washington State
Bar Association President Sal Mungia, Northwest Justice Project
Executive Director César Torres (pictured) and EJC Director Nell
McNamara asked the federal delegation to support LSC’s request for
$516.5 million in fiscal year 2011. This increased funding level
would give the Northwest Justice Project, and programs around
the country, much-needed resources to meet the skyrocketing
needs of low-income families across the state.

Farewell to Two Ardent Advocates

http://archive.constantcontact.com/fs094/1102359044433/archive/1103359583968.html

4/14/2011
The Alliance for Equal Justice will not be the same without Mary Swenson and Cheri Cosper. Read these tributes to their legacy:

Focus on the Fantastic: Mary Swenson
Renaissance Woman: Cheri Cosper

Transformation: Crisis & Opportunity is the theme for Washington’s 15th Annual Access to Justice Conference, held June 4-6 at the Coast Wenatchee Convention Center. Keynote addresses will be made by Governor Chris Gregoire and Dr. Luis Fraga of the University of Washington.

- Learn more and register!
- Before you go: read about the Living History Project - bringing the Equal Justice Timeline to life.

Equal Justice in the News
Keep up on equal justice in the news - visit our media archive.

- UW School of Law's Public Service Voices: Laurie Davenport
- Access to justice is in danger
- Where is 2nd chance for kids?
- Farm labor contractor case heads toward appeal
- U.S.: Restrictions Undercut Legal Aid Fund for the Poor
- Struggling families depend more on school lunches
- Legal Problems and Broke? Call KLS
- When Doctor Visits Lead to Legal Help
- Sometimes, good legal help is the best medicine
- Company must pay estate in wrongful auction

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Equal Justice Newsletter

THE ALLIANCE
for Equal Justice

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July 2010

Spotlight On:

CAMPAIGN FOR

EQUAL JUSTICE

It’s not justice if it’s not equal

The legal community united like never before in 2009 to ensure legal assistance for those being hit hardest by the economic downturn. The success we are achieving in the charitable giving arena is the direct result of the tremendous leadership of the bar and bench who have made support of civil legal aid for our state’s most vulnerable families and individuals a top priority for the legal community. Every county in Washington set participation and dollars-raised records for the Campaign for Equal Justice in 2009. How did your county do? Find out here.

Making Calls for Justice: Phonathons 101

The number one reason a person does not contribute to a nonprofit cause is because he/she is never asked. Acquiring adequate and stable funding for legal aid is a top priority for the Alliance for Equal Justice, but even in the best of times, legal aid faces funding challenges.

Every year 150 people volunteer their time to ensure hundreds of attorneys and judges are asked to support the Campaign for Equal Justice, our statewide annual drive for civil legal aid. “The phonathons are organized and easy… Frankly, it’s fun making the calls in a room with other attorneys all working for the same goal,” says Spokane Attorney and volunteer Bill Hyslop. Just one or two hours of time making phone calls to peers can make an enormous impact on the availability of legal aid for those in need. Campaign for Equal Justice staff make phonathons easy as 1, 2, 3.

Join the Campaign for Equal Justice on Facebook

http://archive.constantcontact.com/fs094/1102359044433/archive/1103533545704.html

4/14/2011
Need to Know

- **Upcoming Alliance Events** - don’t miss anything! Check out the Alliance Event Calendar.
- **Three Marginalized Communities to be Served by Seattle University School of Law Graduates.** In partnership with equal justice organizations, three new lawyers will serve incarcerated individuals with disabilities, immigrant survivors of violence, and persons who struggle with legal financial obligations.
- **Bowling for Charity:** Two companies bowled against each other, pledging to donate $1,000 to the charity of their choice if they lost. Stokes Lawrence chose the Campaign for Equal Justice after a “draw” was declared.
- **2010 Washington State Bar Association Awards** - legal aid and justice champions to be honored in September.
- **The 25th Annual Goldmark Award Luncheon is Friday, February 25, 2011.** Nominations for the Goldmark Award are accepted through September 3, 2010. Visit [www.legalfoundation.org](http://www.legalfoundation.org) for more information.

Comings & Goings

Welcome new staff and volunteers to the Alliance, and say good bye and thank you to outgoing colleagues!

- Margaret Delp succeeded Chris Crowell as Director of the Volunteer Lawyer Program in Island County.
- Mark A. Griffin, of Keller Rohrback, joined the LAW Fund Board in February.
- Snohomish County Legal Services has a new Executive Director, Anita Hale. Former ED Threesa Milligan now heads up Pro Bono Services at the King County Bar Association.
- Mark Johnson, Immediate Past President of the Washington State Bar Association, joined the LAW Fund Board in July.
- Stan Kehl is the new Executive Director of Eastside Legal Assistance Program in Bellevue; his predecessor, Joan Eads, led ELAP for the last three years.
- Terra Nevitt became the new Executive Director of LAW Advocates in Bellingham earlier this summer, following Mary Swenson’s retirement.
- Luis Rosales is the new pro bono coordinator at Blue Mountain Action Council in Walla Walla, following Cheri Casper.
- Amy Spencer is the new Development Assistant at LAW Fund. She joined the staff in May.
- Cowlitz-Wahkiakum Legal Aid welcomes new Coordinator Kendra Sprague, who follows Anita Quirk.
- Last February, Gordon W. Wilcox joined the Endowment for Equal Justice Board.
- Submit your organization’s Comings & Goings for the next newsletter.

officials to fund civil legal aid. At a loss for words in either task?
DOWNLOAD helpful Alliance and legal aid TALKING POINTS.

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WASHINGTON STATE ACCESS TO JUSTICE CONFERENCE

Wish you could have gone? Missed a workshop?

- Download workshop materials.
- Watch selected workshops on TVW.

LAW Fund President’s Party at the ATJ Conference:
Attendees gathered at the Applewood Bar & Grill in Wenatchee to share ideas, great food and beverages at the annual Law Fund President’s Party on Saturday, June 6. Dick Manning, LAW Fund’s President, hosted the party - thanks to everyone who attended this year!

Equal Justice in the News
Keep up on equal justice in the news - visit our media archive.

- Seeking Asylum, Dozens of Somalis Wait in Tacoma
- Facing $3B budget shortfall, Gregoire solicits ideas
- House Subcommittee Approves $20 M increase for LSC
- Washingtonian Nominated to LSC Board
- Washington State Bar Association Honored by the ABA Harrison Tweed Award
- New Program Assists Pierce County Courthouse Visitors
- State tax collections take another $91M fall
- Wage Policy from the Grassroots
- Economic Crisis Threatens Program Providing Legal Assistance to the Poor

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Equal Justice Newsletter

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September 2010

King County Budget Update
Take Action, King County Residents!

Critical funding for five Alliance members in King County is at great risk for elimination as the county faces a continued budget deficit in 2011: Eastside Legal Assistance Program, Family Assistance Program at Solid Ground, Northwest Immigrant Rights Project, TeamChild, and Unemployment Law Project. Last year, Alliance supporters spoke up about the importance of legal aid funding for struggling King County families and the King County Council protected the majority of legal aid funding in the 2010 budget. Now legal aid funding is even more vulnerable. King County Executive Dow Constantine is preparing his 2011 budget, to be released on September 27. There is still time to influence the Executive’s budget proposal. LEARN MORE ABOUT THE KING COUNTY BUDGET PROCESS AND URGE EXECUTIVE CONSTANTINE TO MAINTAIN FUNDING FOR LEGAL AID IN 2011.

Perspectives on Justice: Annie Lee
An Interview with TeamChild's Executive Director

"The work of legal aid plays an important role not only in relieving crises for families but also in intervening in a way that can interrupt the cycle of poverty. If an attorney is there at the right time, people can get back on track where they didn't think they had any options. For children, there are many points in their lives when intervention can prevent risk of falling into or staying in poverty. That moment is critical because if you miss it, it gets harder and harder to catch up. It is at this very moment that a legal aid lawyer can play a critical role in keeping a child from starting down a path that may lead to poor outcomes in life." READ THE INTERVIEW WITH ANNIE LEE.

ATJ Board Recommends Action on Immigrant & Civil Rights Issues

For fifteen years the Access to Justice (ATJ) Board has acted on the

EQUAL JUSTICE COALITION

It’s crunch time! Legal aid funding is more vulnerable than ever. Make sure you are poised for action. Our action alerts are more effective when we have your home address so legislators hear from their constituents: UPDATE YOUR CONTACT INFORMATION.

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belief that access to the civil justice system is a fundamental right, and achievement of this right for all people in the state is critical to the health and well-being of the communities in which we live. Early this summer, tensions were running high across the nation with ongoing bad economic news and a recently passed Arizona law that raised serious concerns about civil rights. Following a plenary session with discussion from members of the community at the Access to Justice Conference in June, the ATJ Board voted to support recommendations that affirm necessary principles for equal access to our state’s justice system for all people. LEARN MORE ABOUT THE BOARD’S RECOMMENDATIONS.

WSBA Launches Lawyer Recruitment for Statewide Moderate Means Program

The Washington State Bar Association’s (WSBA) Moderate Means Program is a reduced-fee lawyer referral program designed to bring greater access to justice for people of moderate means in Washington State. Partnering with the state’s three law schools, WSBA will recruit and provide online training and mentoring opportunities for participating lawyers while law students coordinate intake and referrals. READ MORE ABOUT THE MODERATE MEANS PROGRAMS AND ITS BENEFITS FOR PARTICIPATING LAWYERS.

Need to Know
Groundbreaking Cases from Alliance Members:

• Female Prisoners Settle Lawsuit Against Washington Department of Corrections, Challenging Staff Sexual Abuse with the help of Columbia Legal Services
• Northwest Immigrant Rights Project & Partners File First Class Action Lawsuit on Behalf of Immigrants with Mental Disabilities.

State Budget Threatens Funding for Legal Aid & Other Important Services for Our Communities:

• State predicts another big shortfall, will cut spending 6%
• State budget likely to go from bad to much worse
• WA Gov announces $51M in cuts to state welfare

Other Need to Know Items:

• 2010 WSBA Awards - legal aid and justice champions to be honored September 23.
• Upcoming Alliance Events - don’t miss anything! Check out the Alliance Event Calendar.

Comings & Goings
Welcome new staff and volunteers to the Alliance, and say good
by and thank you to outgoing colleagues!

- Amanda Dozier succeeded Margaret Delp as Director of the Volunteer Lawyer Program in Island County.
- Kelly DeLong joins Chelan-Douglas County Volunteer Attorney Services as its new Director, succeeding Kristi DeLozier.
- Submit your organization's Comings & Goings for the next newsletter.

Equal Justice in the News
Keep up on equal justice in the news - visit our media archive.

- King County to vote Nov. 2 on sales tax for criminal justice
- Mobile-home landlords barred from doing frequent rent hikes
- Woman files suit under new domestic violence law
- The fastest-growing group among local homeless: families
- Just Waiting for Bread - ProBono.Net News
- Since start of downturn, more people representing themselves in court
- Olalla 4-H Group Breaking Barriers, Hopes Others Will Join (NJP helps too!)
- Summer program offers free legal advice in the park
- Lawyers rally to provide legal assistance to low income clients and agencies that need help in economic downturn
- Record number in government anti-poverty programs
- Broadband: NTIA Gives $6.1 Million in Grants to North Carolina, Washington

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November 2010

Bittersweet King County Budget
Council Protects Funding for Some Alliance Programs, Not All, in 2011

This fall, the Alliance for Equal Justice came together to protect funding for five King County-funded legal aid providers. We met with Council Members and testified at public budget hearings, and many of you took action online. With the failure of King County Proposition 1, the County had no new revenue to preserve critical services; the final 2011 budget was passed on November 15. Sadly, many King County families will not be able to get legal help to preserve critical income and benefits because funding for the Unemployment Law Project and Solid Ground's Family Assistance Program was eliminated. But there is also good news... Despite the huge budget deficit, the Council recognized the importance of legal aid for domestic violence victims/survivors and vulnerable youth, protecting funding for Eastside Legal Assistance Program, Northwest Immigrant Rights Project and TeamChild.

Thank you to those of you who stood up for legal aid - you made a difference in the lives of struggling King County families.

State Budget Bleak, Legal Aid Funding Threatened

When the Legislature convenes in January, it will first adjust appropriations for the current fiscal year with a supplemental budget. State-funded legal aid programs will sustain funding reductions. Facing a deficit in the billions, legislators will then need to balance the next biennium's budget through further reductions to critical services. At a time when families are struggling to survive their own economic crises, your participation during the legislative session is more critical than ever.

What Alliance programs receive state funding?

- Northwest Justice Project receives state funding through the Office of Civil Legal Aid, a judicial branch agency.
- NJP sub-contracts some state funds to the Legal Foundation of Washington to support state-eligible work of many Alliance members, including many specialty and volunteer lawyer programs across the Washington.

disabilities is most grateful for receiving access to medical care.

- Northwest Immigrant Rights Project is a state-funded contractor providing naturalization services, as well as services for immigrant survivors of domestic violence.
- TeamChild receives a direct appropriation from the state through the Department of Social and Health Services to provide legal help to vulnerable youth.

To help minimize cuts to legal aid funding, be ready to contact your legislators in 2011. Join the Equal Justice Coalition or update your contact information if you are already a member.

Civil Legal Aid: Never needed more... Never more in need.

The economy hasn't rebounded as most had hoped, and the number of low-income families and individuals seeking relief as they struggle to survive poverty continues to climb. Charitable support for legal aid remains critically important to help meet the rising demand for services, especially as social safety nets unravel in the face of severe state and local budget cuts. Our vulnerable neighbors have fewer and fewer options. Across Washington, and outside the state, many are stepping up to support civil legal aid and help families in crisis. Learn more from Law Fund President Dick Manning.

- If you have not already done so, please make a tax-deductible contribution to the 2010 Campaign for Equal Justice.
- Already donated? Helping raise support for the Campaign is easy! Create your own personal fundraising webpage or become a fan on Facebook and start making a difference today.

Answering the Call to Action

Generous people in Washington and beyond stepped up last year in response to havoc the recession was making in the lives of the most vulnerable by strongly supporting the 2009 Campaign for Equal Justice, the Endowment for Equal Justice, and the Laurel Rubin Farm Worker Justice Project. Because of their support, families in crisis can return to safe, productive lives through civil legal aid. Read the LAW Fund 2009 Report to Contributors and see a full list of 2009 contributors who dug deep to make a difference, including almost 30 percent of the legal community.

http://archive.constantcontact.com/fs094/1102359044433/archive/1103842321336.html

4/14/2011
A lot happened at last week’s Access to Justice Board meeting. There are exciting things on the horizon: addressing racial bias in the justice system, outreach to community partners, openings on the Board and more.

CATCH UP ON THE ATJ ACTION.

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Need to Know
- Election worsens state’s budget pain
- KUOW radio spotlights CLS Attorney Merf Ehman: ‘I Hope I Never Forget’
- Seattle University School of Law expands post-graduate social justice fellowship program with a generous gift, funding an additional two-year fellowship with an Alliance for Equal Justice organization.
- Upcoming Alliance Events - don’t miss anything! Check out the Alliance Event Calendar.

Alliance Comings & Goings
Welcome new staff and volunteers to the Alliance, and say good bye and thank you to outgoing colleagues!

- UW Law School is proud to welcome Aline Carton as the Assistant Director in its Center for Public Service Law. Aline will be coaching law students who desire public interest careers. She will also administer the Pro Bono Honors Program and the Loan Repayment Assistance Program. Aline’s most recent position was with WSBA where she managed the Home Foreclosure Legal Aid Project and the Moderate Means Project.
- The Tacoma-Pierce County Bar Association Volunteer Legal Services Program has made staff/organization changes. The current staff roster is Laurie Davenport (Program Director), Linda Black (Program Coordinator) and Darlene Teafatiller (Client Services Specialist). Their new address (with the Tacoma-Pierce County Bar Foundation) is 621 Tacoma Ave S, Suite 303, Tacoma, WA 98402. All other contact information remains the same.
- After eight years at Columbia Legal Services, Access to Justice Board member Ishbel Dickens is now the first Executive Director of the Manufactured Home Owners of America Association, a national advocacy organization working on behalf of manufactured housing communities across the country.
- Northwest Justice Project Comings & Goings: Lauren Peach joins NJP as an Americorps/Equal Justice Works Fellow, working on the Veteran’s Project. Karen Campbell is the new Senior Attorney in the Vancouver office. Graciela Navarro and Gabriel Ravel join the Yakima office. Jason Du Bruille will work with the Wenatchee office and partner with Northwest Immigrant Rights Project, the Support Center in Omak and New Hope in Moses Lake on the Integrated Rural Legal Assistance Project (IRLAP). NJP said goodbye to Farm Worker Unit Outreach Worker Patty Diaz and Home Foreclosure Legal Aid Project Paralegal, Colleen Mold. NJP also bids farewell to Clay Wilson, a long-time CLEAR attorney who is headed to Seattle University to head of the WSBA sponsored Moderate Means Legal Assistance Project.
- Submit your organization’s Comings & Goings for the next newsletter.

Equal Justice in the News
Keep up on equal justice in the news - visit our media archive.

- Whatcom County [NJP] Attorney Wins Annual Professional Woman Award
- Mortgage investors, regulators need to make sure banks do right thing
- Dissecting and healing biases in Washington's courts - Chief Justice Madsen special to The Seattle Times
- 4 WA farm workers sue after pesticide exposure
- Across-the-board cuts put greater burdens on the elderly and vulnerable
- Need a Lawyer? Good Luck
- Access to Justice in U.S. at Third-World Levels, Says Survey

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Judicial Branch Comes Together to Showcase Washington’s Courts

Thurston County Courts welcomed the public at an open house on January 5, 2011. Chief Justice Barbara Madsen welcomed participants to the event, alongside Superior Court Presiding Judge Paula Casey and District Court Presiding Judge Brett Buckley. The highlight of the program was Marvin Kemp, a Korean War veteran whose life was helped by Thurston County’s unique veterans court. After the program, court was in session and participants had the opportunity to see justice at work first-hand. Judicial branch partners, including the Alliance for Equal Justice, shared materials and answered questions at resource tables. Did you miss this event? Don’t worry...

YOU'RE INVITED: King County Open Court
Tuesday, February 8, 2011, 12:30 - 4 p.m.
Registration at 12:30,
program starts at 1 p.m. at
the King County Superior
Court Presiding Courtroom,
516 3rd Ave., 9th Floor,
Seattle, WA 98104
RSVPs appreciated to
nell@ejc.org

State Legislature Convenes, Legal Aid Funding at Risk

Our legislators face very tough decisions in
the 105-day session that began on Monday.
State-funded legal aid programs, including
the Northwest Justice Project, pro bono
programs across the state, TeamChild
and others, are at risk to receive some
level of cut in state funding.

What can you do to help?

- Make sure you receive email alerts
  from the Equal Justice Coalition and contact your
  legislators at critical times to urge funding for
  the Northwest Justice Project, its partners and
  TeamChild.
the conditions. The couple returned to a now healthy home with baby Jill, who recovered fully. **READ MORE IN NJP’s 2010 ADVOCACY REPORT.**

**NJP’s 2010 Advocacy Report**

The Northwest Justice Project has issued its 2010 Advocacy Report highlighting NJP cases from the past year. The report contains 21 powerful examples of the work of NJP attorneys across the state, which illustrate the impact of civil legal aid for low-income people and the need to maintain and protect civil legal aid funding. **READ THE REPORT.**

**Alliance Links**

**About the Alliance**

**Upcoming Events**

**Newsletter Archives**

**Join our Mailing List**

- Download the EJC’s 2011 One Pager for talking points and background information.

- Sign up for the Northwest Immigrant Rights Project’s email list for news about state funding for naturalization programs.

**Need to Know**

- Access to Justice Board meets tomorrow, Friday 1/14/11.

- Supreme Court Chief Justice Barbara Madsen gives State of the Judiciary Address. Legal help for poor was a top issue.

- Columbia Legal Services’ Casey Trupin interviewed by PBS for a special report on homelessness.

- Upcoming Alliance Events - don’t miss anything! Check out the Alliance Event Calendar.

**Alliance Comings & Goings**

Welcome new staff and volunteers to the Alliance, and say goodbye and thank you to outgoing colleagues!

- Laurie Powers, the Unemployment Law Project’s managing attorney at the Spokane office since it opened in 2006, will leave that position in January 2011 to become the associate director of the new Center for Law in Public Service (CLIPS) at Gonzaga University School of Law in Spokane. The mission of CLIPS is “to support the aspirations of students who study law in order to use their knowledge and skills for public service...” A significant part of Ms. Powers’ new job will be to coordinate student participation in the statewide Moderate Means Program, a collaboration among the state’s three law schools (Gonzaga University, Seattle University, and the University of Washington) and the Washington State Bar Association. Rosemary Villarreal, who was hired as a full-time attorney for ULP’s Spokane office on a one-year contract for 2010, will be staying on with ULP at least through 2011. Jessica Long, a legal assistant in ULP’s Seattle office for the past two years, left in September to attend graduate school at the London School of Economics. And Lauren Fogerty, a long-time volunteer for ULP and a graduate of the University of Washington’s paralegal program, took over Jessica’s position in the Seattle office.

- Catherine Brown leaves her post as Director of the Skagit County Volunteer Lawyer Program to become the Washington State Bar Association’s new Public Service Manager.

- Cristina Parker is leaving Northwest Justice Project, where she is a staff attorney in the Everett office, on January 21 to become the Civil Legal Aid Attorney for the Tulalip Tribes Foundation Office of Civil Legal Aid.

- Odette Akers is the passionate new director of the Volunteer Program of Island County serving low-income
Donate

- Submit your organization's Comings & Goings for the next newsletter.

Equal Justice in the News

Keep up on equal justice in the news - visit our media archive.

- Wednesday's open house gives public inside look at the courts
- State makes cut to Disability Lifeline
- Perfect storm hits legal aid
- A practical push for civil legal services
- Foreclosure crisis: no end in sight
- Tale of three cities: foreclosures don't always follow the script
- If you think people will die because of Saturday's budget cuts, just wait until January
- Legal aid in Cook County: A Report on Basic Trends in Need, Service and Funding

Spotlight on the Equal Justice Coalition

This edition of the Alliance for Equal Justice Newsletter puts the spotlight on the Equal Justice Coalition (EJC). The EJC advocates for sufficient public funding for civil legal aid at the local, state and federal levels. The EJC is a key player in the Alliance for Equal Justice. In the midst of a very difficult state legislative session and an uncertain federal budget process, the EJC needs every Alliance member and supporter to step up and advocate for this critical funding. Read on for interviews with two stellar EJC members, a Northwest Justice Project client’s story in her own words, and important public funding updates.

Two EJC Superstars Advocate for Public Funding for Civil Legal Aid:

Jennifer Brugger, Northwest Justice Project

Jennifer is a Northwest Justice Project staff attorney and a board member and volunteer at Kitsap Legal Services. She is a faithful EJC member while adhering to the Legal Services Corporation’s regulations on lobbying.

“I participate in the Equal Justice Coalition to increase awareness of the importance of legal aid and funding for legal aid in Washington. The more we educate funders, decision makers and the community, the more we can make a difference for all people in Washington. We all need to work together to protect funding for legal aid by educating our legislators about the importance of legal aid to their constituents and the state’s bottom line.” Read the EJC interview with Jennifer.

Susan Arney, Clark County Volunteer Lawyers Program

Susan has been a part of the Alliance for Equal Justice for six years. She
up for myself and I know I will always stand up for my son.

Read Stephanie’s story in her own words.

2011 Access to Justice Conference Examines Bias in the Justice System

recently attended a Town Hall Meeting to help the Equal Justice Coalition with our lobbying effort.

"If we expect our legislators to make good, informed decisions, WE have to keep them informed. We have a really good way of delivering a very important service and we need to make sure they know that, so that they can make good decisions when they are working on the budget. Legislators want to hear from their constituents. If they don't hear from us, how are they going to know what we think is important?" Read the EJC interview with Susan.

Susan and her dog, Legal Beagle.

State Funding Update:

The Equal Justice Coalition has been working hard in Olympia to protect state funding for legal aid. The Office of Civil Legal Aid was not cut in the early action supplemental budget that the Governor signed in February. But there are still two more months left in the legislative session and the biggest challenge is ahead of us.

State Town Hall Meetings this weekend! This is a great opportunity to talk to your legislators about funding for civil legal aid. Find a Town Hall meeting in your district. If you aren’t sure about your district, find out who represents you on the EJC website. Not sure what to say? Download our Town Hall fact sheet.

Federal Funding Update:

Congress is making its decisions about the current Fiscal Year’s budget (2011) and funding for the Legal Services Corporation is at risk. The U.S. House voted to cut LSC by $70 million for the remainder of this fiscal year, which would translate to a $1 million cut to the Northwest Justice Project. Prior to the budget vote, an amendment to eliminate LSC failed on the House floor. Seven out of Washington’s nine U.S. Representatives voted to continue LSC funding: Dicks, Herrera, Inslee, Larsen, McDermott, Reichert and Smith. If you live in district 1, 2, 3, 6, 7, 8 or 9, take a few minutes to thank your U.S. Rep. for protecting funding for civil legal aid. If you’re not sure, find your district in our legislative action center.

The U.S. Senate Appropriations Committee announced its spending
plan for FY2011 that would fund LSC at FY2010 levels, protecting it from reductions. Senators Murray and Cantwell strongly support LSC funding.

**Need to Know**

- Task Force on Race and the Criminal Justice System presented its recommendations to the Washington Supreme Court and a Roundtable of stakeholders. [Watch the presentation, download materials and read about the task force on Seattle University's School of Law website.](#)
- Norm Rice gave an inspiring keynote address at Goldmark Luncheon - [read the speech.](#)
- Supreme court action expands access to justice: General Rule 34 approved.
- Woman charged 300% interest sues payday loan company. Listen to an interview with NJP attorney Fred Corbitt.
- Upcoming Alliance Events - don't miss anything! Check out the Alliance Event Calendar.

**Alliance Comings & Goings**

Welcome new staff and volunteers to the Alliance, and say goodbye and thank you to outgoing colleagues!

- Benton Franklin Legal Aid Society in the Tri-Cities welcomes new bilingual Administrative Assistant, Victor Barajas.
- Eastside Legal Assistance Program welcomes new Program Director Judith Shoshana.
- Grant-Adams Volunteer Legal Services (GAVLS) is happy to welcome Rian Allred to its Board of Directors. Rian is an attorney at Schultheis Tabler Wallace PLLC in Ephrata, WA, and is the current Grant county Bar Association Vice-President.
- Kitsap Legal Services welcomes new board members Nancy Nancy Austin, John Grosseclose, Mike Liebert, Dan Jones, and Tom Weaver. KLS also hired Program Assistant Becky Brown last May.
- LAW Advocates in Bellingham welcomes new board members: Betsy Brinson, Doug Robertson and Junga Subedar. Long time board members Dennis Williams, Kirsten Barron and Ron Morgan will remain as advisers to the board. Their new chair is James Britain.
- LAW Fund welcomes Rima Alally (Microsoft Law & Corporate Affairs) and Cindy Hennessy (AT&T Mobility LLC) to its board. LAW Fund Immediate Past President, Dick Manning, joins the Endowment for Equal Justice Board.
- In January, the Legal Foundation of Washington welcomed its newest board member, Liz Thomas.
- Northwest Immigrant Rights Project added a legal advocate to their Moses Lake office - welcome, Lionel Carmona.
- Skagit County Volunteer Lawyer Program welcomes its new Manager, Eva Wescott, a Seattle University Law School graduate.
- **Submit your organization's Comings & Goings for the next**


[50]
Equal Justice in the News
Keep up on equal justice in the news - visit our media archive.

- Immigration agency pays Army veteran $400,000 for wrongfully detaining him (NWIRP).
- Tied to the railroad track once again: the perils of legal aid funding
- Slashing Civil Legal Aid [federal]
- ABA President criticizes House vote to cut legal services funding
- Task force critical of Sanders' comments on racial bias
- Bad news for poor people: 17,000 kicked off Basic Health
- Texas ATJ Commission proposes legislative plan to legal aid funding crisis
- Latina/o Bar Association of WA awards ATJ Board Chair Judge Steven C. Gonzalez the Extraordinary Member Award
- Court Hears Arguments on Foster Children's Right to Legal Representation
- NY Chief Justice on "Why We Must Fund Civil Legal Services"

MEMORANDUM OF UNDERSTANDING

Relationships

The Washington State Access to Justice Board (the “ATJ Board”), an autonomous board that reports annually to the Washington State Supreme Court and the Washington State Bar Association (“WSBA”) Board of Governors, was established in 1994 and reauthorized by an order of the Supreme Court, dated November 2, 2000 (the “Order”). The Order charges the ATJ Board with responsibility to assure high quality access for low and moderate income residents and others in Washington State who suffer disparate access barriers to the civil justice system. To that end, the Order provides that the ATJ Board shall work to:

- Establish, coordinate and oversee a statewide, integrated, non-duplicative, civil legal services delivery system that is responsive to the needs of poor, vulnerable and moderate means individuals;

- Establish and evaluate the performance and effectiveness of the civil legal services delivery system against an objective set of standards and criteria;

- Promote adequate levels of public, private and volunteer support for Washington State’s civil equal justice network;

- Serve as an effective clearinghouse and mechanism for communication and information dissemination;

- Promote, develop and implement policy initiatives and criteria which enhance the availability of resources for essential civil equal justice activities;

- Develop and implement new programs and innovative measures designed to expand access to justice in Washington State;

- Promote jurisprudential understanding of the law relating to the fundamental right of individuals to secure meaningful access to the civil justice system;

- Promote widespread understanding of civil equal justice among the members of the public through public legal education;

Working Together to Champion Justice
• Promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionate access barriers; and

• Address existing and proposed laws, rules and regulations that may adversely affect meaningful access to the civil justice system.

The Order provides that the ATJ Board shall be administered by the WSBA, and specifically states that the ATJ Board shall be funded and staffed by the WSBA, which shall have authority to establish a budget and approve expenditures. Pursuant to this Memorandum of Understanding, the ATJ Board and the WSBA agree to the following understandings with respect to the relationships between the parties under the Order:

**Budget Considerations**

The parties agree that the ATJ Board will participate in the development of that portion of the WSBA annual budget that affects the operations of the ATJ Board. Such participation shall include:

(a) The ATJ Board’s submission to the WSBA Department of Finance and Administration of a proposed budget in the same format used by the WSBA’s own programs, together with such back-up information necessary to explain the proposed budget, or as requested in preliminary budget development. The budget submission will identify specific objectives and describe how progress will be evaluated; and

(b) The meaningful and timely opportunity for the ATJ Board to participate in WSBA’s budget discussions and in making budget adjustments.

To the extent that the ATJ Board deems it necessary to request supplemental funding from the WSBA within a budget cycle, the ATJ Board will follow the above steps; provided, that budget changes of less than 10% in a line item do not require prior approval assuming that the overall budget remains constant.

To the extent that the ATJ Board seeks funding from outside sources, it shall do so in collaboration with the WSBA. WSBA shall be the contracting and grant agent for all outside funding received by the WSBA or the Washington State Bar Foundation and earmarked for the ATJ Board. Either the WSBA or the Washington State Bar Foundation, as appropriate, shall be responsible for reporting on the use of such funds to the outside funding source. Management of the funds may be delegated to the ATJ Board. Such funds shall only be used for the purpose(s) for which they were solicited, and subject to any conditions imposed by the grantor or donor.

**Staffing Considerations**

The WSBA shall provide the ATJ Board with adequate staff to fulfill its mission. A manager-level employee with knowledge of civil access to justice issues shall be dedicated to supporting and coordinating the work of the ATJ Board with the understanding that this employee may be assigned to perform other responsibilities as a WSBA staff member. The WSBA shall also provide the ATJ Board with such other full or part-time staff as may be necessary to enable the ATJ Board to perform its
functions as set forth in the Order. Appropriate staffing levels shall be determined annually in the budget process. Staffing levels shall be monitored in good faith by both the WSBA and ATJ Board to assure that staff use complies with the parameters established in the budget. Any modifications to staffing allocations or duties shall only be made after mutual consultation between WSBA and the ATJ Board.

The ATJ Board understands that WSBA Personnel Guidelines shall apply in hiring, job classification, salary, and conditions of employment for all WSBA employees and that the WSBA Executive Director has sole authority to employ and compensate all WSBA employees. The WSBA Executive Director has sole authority to select or terminate any WSBA employee, although the ATJ Board shall have the opportunity to participate in the selection or termination of the ATJ manager. The formal job descriptions of staff assigned to work with the ATJ Board shall be available to the ATJ Board, and the ATJ Board shall have the opportunity to provide comments on those descriptions during the Annual Review process, or as necessitated by changes in functions, duties or personnel. The ATJ Board shall also have the opportunity to provide comments on the Annual Review of the ATJ manager and other WSBA staff supporting the ATJ Board.

Other Matters

The ATJ Board shall be accountable to the WSBA for proper fiscal management and for using WSBA resources to carry out the mission as specified in the Order.

In the event that an issue arises that is not addressed in the Order or this Memorandum of Understanding, the WSBA and ATJ Board will work collaboratively to resolve the issue.

Washington State Bar Association

Washington State Access to Justice Board

S. Brooke Taylor
WSBA President

By: *signature*

Date: 4-27-06

Date: 5/8/06

M. Janice Michels
WSBA Executive Director

Date: 4-28-06
Washington State Access to Justice Board
OPERATIONAL RULES

From the Order Reauthorizing the Access to Justice Board (Amended Order, April 29, 2010):

“...[t]he Access to Justice Board is hereby reauthorized and shall continue to be administered by the Washington State Bar Association, and is charged with responsibility to achieve equal access to the civil justice system for those facing economic and other significant barriers.”

Effective 3/9/06; amended 4/14/06, 9/18/09, and 12/31/10. These rules supersede any previous policies covered herein.

I. Access to Justice Board (the “Board”)

A. Composition.*
1. The Board shall consist of nine members, at least one and no more than two of whom shall be non-attorneys.
2. The membership shall reflect ethnic, gender, geographic and other diversity.
3. Recommendations for nominees to the Board shall be solicited broadly, based on experience in and commitment to access to justice issues, consistent with the needs of the Board, and including people affiliated with the Board for Judicial Administration, the Board of Governors (the “BOG”) of Washington State Bar Association (the “WSBA”), Statewide Staffed Legal Services Programs, the Volunteer Legal Services Community, and Other Members and Supporters of the Washington State Alliance for Equal Justice.

B. Qualifications.*
1. Board members shall have a demonstrated commitment to, and familiarity with, access to justice issues.
2. The Nominating and Leadership Development Committee may identify other desirable qualifications, which may change from year to year depending on the needs of the Board.
3. Board members who are attorneys must be in good standing with their licensing authority(ies).

C. Term.*
1. Board member appointments are for a three-year term, which may be extendable, by one year, in the case of the Chair.
2. Board members are eligible for reappointment to the Board for one additional term.
3. Mid-term vacancies shall be filled in the same manner as original appointments, provided, however, the solicitation for nominations may be abbreviated.
4. The appointee for a mid-term vacancy shall fill the remainder of the vacated term and shall be eligible for reappointment up to two additional terms.

* These matters are addressed, in part, by the current Supreme Court Order Reauthorizing the Access to Justice Board (Amended Order April 29, 2010).
D. Board member duties.
Each Board member shall use best efforts to:
1. Attend each Board meeting;
2. Prepare for participation in Board meetings by reading the meeting materials sent before the meetings;
3. Follow up on tasks assigned at Board meetings;
4. Attend the annual retreat and participate in developing the Board’s annual work plan;
5. Attend the annual Access to Justice Conference;
6. Represent the Board at the request of the Chair; and
7. Advance the work of the Board in at least one of the following ways:
   a. By serving as a committee chair,
   b. By serving as a liaison to a Board committee, \(^1\)
   c. By serving as a liaison to an outside organization, or
   d. By serving as a committee member.

II. Board Meetings.

A. Form of Board Meetings.
   1. Regular meetings shall be scheduled in advance.
   2. Special meetings shall be called by the Executive Committee upon notice by mail, e-mail or phone.
   3. Meetings are generally open to the public, but the Board reserves the right to meet in executive session.

B. Frequency.
Board meetings shall be scheduled as often as necessary to conduct the Board’s business, but not less frequently than once a quarter.

C. Attendance.
Board members may attend meetings in person or by conference call or other similar means (e.g. video link, etc.). In-person attendance is preferred.

D. Quorum.
   1. A majority of the Board members shall constitute a quorum for any meeting.
   2. Once established during a meeting, a quorum shall be deemed to continue for the remainder of the meeting.

E. Manner of Action.
   1. The Board may act upon motion or resolution adopted at a meeting.
   2. A motion or resolution shall be adopted if approved by a majority of those Board members in attendance at the time the vote takes place.
   3. There shall be no voting by proxy, mail or e-mail.

III. Board Officers.

A. Chair.
   1. Qualifications.
      The Nominating and Leadership Development Committee shall identify desirable qualifications, which may change from year to year depending on the needs of the Board.
   2. Selection.

\(^1\) “Committee Liaisons” are expected to communicate the Board’s expectations of the Committee and its Chair; advise and advocate for the Committee; communicate questions and concerns between the Committee and the Board; and, monitor the Committee’s work.
Normally, the Chair-Elect shall succeed to the position of Chair at the end of the term of the predecessor. If there is a vacancy in the position of Chair during a two-year term for any reason, the Chair-Elect shall succeed to the position of Chair to serve out the term of the predecessor.

3. Term.
   a. The Chair shall serve a two-year term.
   b. Although eligible for reappointment as Chair, each Chair should serve only one full term, but may serve a longer period if serving out the term of a predecessor who left office early.

4. Duties.
The Chair shall:
   a. Serve as spokesperson for the Board;
   b. Lead Board and Executive Committee meetings; and
   c. Work to ensure that the Board’s initiatives are moving forward.

B. Chair-Elect.
1. Qualifications.
   a. Each nominee for Chair-Elect must have served at least two years on the Board.
   b. The Nominating and Leadership Development Committee shall identify desirable qualifications, which may change from year to year depending on the needs of the Board.

2. Selection.
   a. Candidates for Chair-Elect shall be nominated by the Nominating and Leadership Development Committee.
   b. Normally, the Chair-Elect shall be elected by the Board at its meeting immediately preceding the May meeting in the year of the election.
   c. If there is a vacancy in the position of Chair-Elect for any reason, a new Chair-Elect shall be nominated by the Nominating and Leadership Development Committee and elected by the Board as soon as possible to serve out the remaining term of the predecessor.

3. Term.
The Chair-Elect shall serve a two-year term, but may serve a longer period if serving out the term of a predecessor who left office early.

4. Duties.
The Chair-Elect shall:
   a. Succeed to the position of Chair upon the end of the predecessor Chair’s term or a vacancy in that position;
   b. Support the Chair;
   c. Serve as Chair when the Chair is unable to fulfill his/her obligations, including leading Board and Executive Committee meetings, if necessary
   d. Serve on the Executive Committee; and
   e. Serve as liaison to WSBA for budget and finance matters.

C. Executive Committee.
1. Membership.
The Executive Committee shall consist of the Chair, the Chair-Elect and two additional Board members selected annually by the Board. The lead staff person assigned to the Board, serving ex officio, shall also participate in Executive Committee meetings, but shall have no vote.

2. Executive Committee Meetings.
   a. Form of Executive Committee Meetings.
      i. Regular meetings shall be scheduled in advance and held approximately 10 days prior to each Board meeting.
ii. Special meetings shall be called by the Chair with notice to other Executive Committee members.

iii. Meetings are open to all Board members.

b. Attendance.

Executive Committee members may attend meetings in person or by conference call or other similar means (e.g. video link, etc.).

c. Participation by Non-Board Members

i. Executive Committee meeting dates and agenda (but not meeting materials) will be posted online, including deadlines for agenda items. Agendas will be subject to change.

ii. Those who choose to submit agenda items may be invited to attend the Executive Committee meetings at which those items will be considered.

d. Quorum.

At least two of the four Board members must be in attendance during the entire meeting to constitute a quorum for that meeting.

e. Manner of Action.

i. No action may be taken by the Executive Committee except at a meeting with a quorum in attendance.

ii. The Executive Committee may act upon motion or resolution adopted at a meeting.

iii. A motion or resolution shall be adopted if approved by a majority of the quorum in attendance at the time the vote takes place.

iv. There shall be no voting by proxy, mail or e-mail.

D. Executive Committee Duties.

The Executive Committee shall:

1. Set agendas for Board meetings;

2. Act on behalf of the Board on routine business and urgent matters, or otherwise as delegated by the Board; and

3. Call special Board meetings.

IV. Nominating and Leadership Development Committee.

A. Membership.

The Nominating and Leadership Development Committee shall be appointed by the Board. It will include at least one ATJ Board member. Other members shall be drawn from the justice community as a whole with a special effort to insure geographic diversity. Representatives should be invited from the Board’s committees, the Leadership Group, the WSBA’s many diversity initiatives, the law schools, and the minority bar associations.

B. Nominating and Leadership Development Committee Duties.

The Nominating and Leadership Development Committee shall:

1. Recruit potential new Board members;

2. Evaluate and recommend potential new Board members to the Board annually or as needed;

3. Make nominations for Chair-Elect (and, if necessary, Chair) once every two years (or as needed);

4. Identify new leaders for the Alliance for Equal Justice (the “Alliance”), including potential new Board committee chairs; and

5. Develop new leaders for the Alliance by overseeing the Board’s orientation program and its leadership training program.

V. Other Committees.

A. Standing committees.

The Board shall establish and maintain standing committees to help the Board accomplish its mission and to clarify and address core priorities established by the Board.
The Board will, on an annual basis, review the work of each standing committee to determine whether it continues to address a core priority of the Board. The Board may dissolve a standing committee if it determines the priority has been addressed. The Board also may revise the mission of a standing committee to address changing priorities, and may establish new standing committees as necessary and appropriate.

B. Special Initiatives.
The Board may establish committees with limited life spans to address specific initiatives. The Board will appoint the chairs, provide the specific charges to the committees, and may establish time frames and reporting requirements for completing the work. In all other respects, these special initiatives committees, their chairs and committee members are subject to the same requirements as standing committees.

C. Committee chairs.
1. Qualifications.
The qualifications of committee chairs will be determined by the Board with due regard for the unique needs of each committee. Committee chairs may, but need not, be members of the Board.
2. Selection and removal.
   a. Standing committees are encouraged to recommend chairs and plan for leadership succession, but the designation of standing committee chairs will be approved by the Board. In the absence of a standing committee recommendation, the Board will appoint a committee chair.
   b. The Board shall appoint the chair of each special initiative.
   c. Committee chairs may be removed by the Board.
3. Term.
   a. Committee chairs shall serve a one-year term, which shall be renewable.
   b. The Board encourages committee chairs to identify and mentor potential chairs from their respective committees (for example, by appointing a co-chair or vice-chair).
   c. The Board will make resources available to assist committee chairs with leadership development and succession planning.
   d. Those committee chairs who wish to step down will collaborate with the Board to identify new committee chairs by the annual Board Committee Chairs meeting.
4. Duties.
   Each committee chair shall use best efforts to:
   a. Provide an orientation to new committee members about the work of the committee;
   b. Serve as spokesperson for the committee and its initiatives;
   c. Set the agenda for each committee meeting;
   d. Schedule, convene and lead committee meetings, which may be attended in person or by conference call;
   e. Designate a recorder of decisions and action items for each meeting, and insure that such record is distributed to the committee members by e-mail list serve;
   f. Recruit and select new committee members as needed, with the input from current committee members and, if appropriate, from the Board;
   g. Include staff in logistic and strategic committee issues;
   h. Direct the development and oversight of committee goals, work plans, deadlines and committee member assignments;
   i. Follow up with committee members between meetings to ensure initiatives are moving forward; and
   j. Prepare the committee’s annual report to the Board.
1. Qualifications.
Recognizing the uniqueness of each committee, member qualifications shall be established by the committee’s chair from time to time, with consideration given to the following:
   a. Committee membership should reflect ethnic, gender, geographic and other diversity to the greatest extent possible.
   b. Committee members who are attorneys must be in good standing with their licensing authority(ies).
   c. Committees should seek to include, as appropriate, laypersons from within the justice system, laypersons from outside the justice system and persons who have not previously been involved with the Board or the Alliance.
2. Selection and removal.
   a. Committee members shall be recruited and selected by the committee chair, with input from other committee members and, if appropriate, from the Board.
   b. Committee members may be removed by the committee chair.
3. Term.
Committee member appointments are for a one-year term, which shall be renewable.
4. Duties.
The chair will develop, direct and oversee the duties of individual committee members.

D. Committee Operating Procedures.
The Board recognizes the unique needs of each committee and to the extent possible encourages committee structure and operations that enable the committee to effectively address its mission. The Board has determined that the following operating procedures are minimally necessary:
   1. No committee or its members may enter into contracts or negotiations that bind the Board or the WSBA.
   2. No committee may take a formal public position on an issue or represent the Board without the approval of the Board.
   3. Committee meetings shall be scheduled as often as necessary to conduct the work of the committee, but not less frequently than once a year.
   4. Each committee shall prepare and submit a brief written report to the Board by December 31 of each year describing the committee's activities during the previous calendar year and its plans for the subsequent calendar year. These reports will be incorporated into the Board’s annual report to the BOG and the Supreme Court.

VI. Other matters.

   A. Staff.

       1. WSBA staff shall provide professional support for the work of the Board and its committees. Specific staff assignments shall be determined on the basis of staff expertise and the needs of the Board/committee.

       2. WSBA staff shall also provide the following administrative support to the Board and its committees:
           a. Committee roster maintenance;
           b. Committee e-mail list serve creation and maintenance;
           c. Logistical arrangements (meeting space at WSBA, conference call numbers, beverage service, meeting notices) for committee meetings; and
           d. Duplication of meeting materials.

   B. Amendments.
The Board may amend these operational rules from time to time with the affirmative vote of a majority of the entire Board.

C. Other Administrative Procedures.

1. The Board shall maintain records as scheduled in the WSBA retention policy.
2. The Board shall record and maintain minutes of its meetings.
3. The Board shall prepare and deliver an annual report to the BOG and the Supreme Court.
4. The Board shall not enter into contract negotiations nor may it sign contracts.
5. The Board shall retain copies of all contracts entered into on its behalf by the WSBA.

D. Web Site.

The Board shall maintain a web page on the WSBA web site, which may include the following:

1. Board meeting minutes for the previous twelve months;
2. Annual Board reports to the BOG and the Supreme Court;
3. Key Board documents, including its authorizing order from the Supreme Court;
4. A schedule of its regular and Executive Committee meetings, which will also be posted on the WSBA legal community calendar located on the WSBA web site.

E. Policies.

The Board may adopt policies from time to time.

1. **Use of ATJ Board letterhead (2-27-95):** There are no restrictions on the use of ATJ Board letterhead. ATJ Board members may use ATJ Board letterhead for any purpose provided the ATJ Board has taken a position on the issue. An exception is private fundraising because judges are prohibited from soliciting money.

2. **Keller rebate policy (3-20-95):** Expenses associated with lobbying efforts by the ATJ Board in support of continued funding for legal aid programs — which includes letterhead — do not fall within the WSBA’s Keller rebate policy.

3. **Amicus Curiae (5-15-98):** In the interest of having judges continue to participate on the ATJ Board and its committees, the ATJ Board will not file amicus curiae briefs, but will refer access to justice-related issues to the Board of Governors Amicus Committee and other entities as appropriate.

4. **ATJ Board endorsements of candidates for elected office (4-9-04; amended 6-9-06):** (1) The ATJ Board shall not endorse candidates for elected office. (2) ATJ Board members may endorse candidates for elected office provided they do not identify themselves as Access to Justice Board members. (3) The ATJ Board chair and Chair-Elect shall not endorse candidates for elected office, even in their personal capacities.

5. **ATJ Board – CPLE Memorandum of Understanding (6-11-04):** The ATJ Board and CPLE entered into a Memorandum of Understanding which spells out the relationship between the two entities.

6. **Guidelines Regarding Third-Party Requests for ATJ Board Support (6-1-07):** The ATJ Board periodically receives requests from third parties to sponsor (or co-sponsor), support, or endorse events, initiatives, legislative or policy issues (including substantive and fiscal matters) and court rules. Guidelines and e-form can be found at [http://www.wsba.org/atj/board/atjboardguidelinesforsupport.pdf](http://www.wsba.org/atj/board/atjboardguidelinesforsupport.pdf).
Proposed Recommendations

1. Participate and exercise leadership in the public dialogue on race within our justice system. Institutionally create and/or empower an entity to address these concerns publicly and to play a leadership role in oversight.

Recommendations

2. Commit to a series of forums on specific issues related to race in the criminal justice system so that specific and detailed recommendations for real change might be achieved;

Recommendations

3. Commit to the ongoing education of judges at all levels and direct the staff at AOC to actively support the judicial conferences in funding and supporting fact based quality presentations on the problems of bias and racial disparity. Encourage judges to undergo training on pre-trial and bail screening instruments to reduce racial disparity among the detained/incarcerated population;

Recommendations

4. Direct the new center for court research to study and publish data regarding the incarceration of minority populations and undertake a review of race neutral policies, practices, and laws that may contribute to racial disproportionality with the goal of publishing such information and keeping the data fresh and updated;

Recommendations

5. Undertake a critical review of each stage of our criminal proceedings in all of our trial courts to examine whether there might be practices that might have developed over time that contribute to racial disparity and commit to addressing these practices either by training or court rule;
6. Support the expansion of alternative sentencing policies (other than incarceration) and have a serious dialogue regarding the status of felons post-release from prison and the obstacles to successful re-entry into society;

7. Encourage and advocate for an increase in pre-trial diversion programs, alternatives to arrest, and the expansion of therapeutic courts; and

8. Develop and implement through the center for court research a rigorous method for evaluating whether any initiative undertaken to reduce racial disparity in the criminal justice system does in fact reduce racial disparity.
November 18, 2010

Chief Justice Barbara Madsen, Co-Chair
Hon. Deborah Fleck, Co-Chair
Justice in Jeopardy Implementation Committee
Board for Judicial Administration
P.O. Box 41170
Olympia, WA 98504-1170

Re: Resolution Urging Adequate Funding of the Judicial Branch

Dear Chief Justice Madsen and Judge Fleck:

At its November 12, 2010 meeting, the Access to Justice Board adopted the attached resolution. We made a slight modification to the last paragraph, adding “without resorting to additional user fees.”

Thank you for your leadership on this important issue. Please let me know what additional action the ATJ Board can take in support of efforts to secure adequate funding.

Sincerely,

[Signature]

Judge Steve. C. González, Chair
Access to Justice Board

Enclosure

Cc: Mellani McAleenan
Access to Justice Board
Resolution Urging Adequate Funding of the Judicial Branch

Whereas, funding for the judicial branch constitutes less than one percent of the state general fund and Washington State continues to rank 50th out of 50 in the state’s contribution to trial court funding, and

Whereas, equal justice under law and access to justice are a fundamental commitment of government and essential to the proper operation of our democracy, and

Whereas, the Washington State Constitution directs that “justice in all cases shall be administered openly, and without unnecessary delay,” and

Whereas, the Court Funding Task Force, created by the Board for Judicial Administration in 2002, recognized that trial court funding was in crisis in Washington State, and

Whereas, the Washington State Bar Association’s Blue Ribbon Panel on Indigent Defense and the Washington Supreme Court’s Task Force on Equal Justice Funding identified critical failures in our indigent defense and civil legal aid systems, and

Whereas, the Justice in Jeopardy Initiative was introduced beginning in the 2005 legislative session to secure adequate, stable, and long-term funding for trial court operations, indigent defense and civil legal aid, and

Whereas, our state’s judicial system cannot effectively and fairly administer “justice in all cases openly, and without unnecessary delay” without adequate and stable funding for core court and court support operations, and

Whereas, state funding of the judicial branch has been reduced by more than $18 million during the 2009-2011 biennium, not including additional “across-the-board” reductions, and

Whereas, budget constraints render the Administrative Office of the Courts, Office of Public Defense, and Office of Civil Legal Aid unable to meet the needs of those providing access to justice,

Now, Therefore, Be It Resolved:

The Access to Justice Board commits to the ongoing work of securing a more equitable state contribution to achieve adequate, stable and long-term funding for the trial court and court support operations, and

The Access to Justice Board urges the state and all local governments to provide the funding necessary to maintain meaningful access to our justice system, without resorting to additional user fees.

Adopted by the Access to Justice Board on November 12, 2010.
March 7, 2010

Honorable Lisa Brown
Senate Majority Leader
Washington State Senate
307 Legislative Building
PO Box 40403
Olympia, WA 98504-0403

Re: Funding for the Washington Supreme Court and the Washington State Court of Appeals

Dear Senator Brown:

The Washington Supreme Court and the Washington State Court of Appeals are facing large budget cuts that will significantly undermine their capacity to carry out their work. The Washington State Access to Justice Board (ATJ Board) respectfully requests that you protect funding for these important judicial branch functions.

The Washington Supreme Court sustained a 13.6% reduction to its 2009-2011 budget (as adjusted) in the 2009 legislative session. The Court’s current biennial budget is $13.9 million. The current Senate budget reduction of $277,000 represents an additional 4% reduction, for a cumulative reduction of 16.7% in this biennium. The current House budget reduction of $243,000 represents an additional 3.5% reduction, for a cumulative reduction of 16.3% in this biennium. The Court cannot withstand a substantial budget reduction without impeding its ability to meet its constitutional mandates and creating a case backlog that will not only impact the public, but will have economic impacts as well.

The Washington State Court of Appeals sustained a 10.5% reduction to its 2009-2011 budget (as adjusted) in the 2009 legislative session. The Court’s current biennial budget is $31.7 million. The current Senate budget reduction of $643,000 represents an additional 4% reduction, for a cumulative reduction of 12.9% in this biennium. The current House budget reduction of $473,000 represents an additional 3% reduction for a cumulative reduction of 12.2% in this biennium. The Court is a non-discretionary court and must accept all qualifying cases. The Court processes approximately 4,000 cases each year. Significant budget reductions would create a case backlog that would result in serious delays in case resolution. Future costs to eliminate the backlog would be substantially greater than maintaining current funding levels. In addition, the harm caused by failing to hear and decide cases in a timely manner is immeasurable, both in economic terms and in human suffering.

The ATJ Board is established by the Washington Supreme Court to work to ensure an accessible justice system for those with economic and other significant barriers. The appellate courts are critical components of our justice system and must be adequately funded.

Thank you for your consideration.

Sincerely,

Daniel S. Gottlieb, Chair
Access to Justice Board
March 7, 2010

Honorable Lisa Brown
Senate Majority Leader
Washington State Senate
307 Legislative Building
P.O. Box 40403
Olympia, WA 98504-0403

Re: SB 6871

Dear Senator Brown:

The Washington State Access to Justice Board (ATJ Board) is established by the Washington Supreme Court to work to ensure an accessible justice system for those with economic and other significant barriers. The ATJ Board urges your strong support for SB 6871 in its current form. Failure to pass it will leave a budget hole of more than $8.5 million for critical court operations, civil legal aid, and constitutionally mandated public defense.

SB 6871 will pay for three priorities that you support:

Core Justice Programs. SB 6871 helps ensure funding in the state budget for core justice programs at the state and local level, including court operations, civil legal aid, and public defense by redirecting revenues collected by an existing $10 surcharge on traffic offenses to the state Judicial Stabilization Trust Account (JSTA) to maintain essential judicial branch operations. (Traffic crimes are about 80% of the cases in courts of limited jurisdiction.).

Auto Theft Prevention/Gang Prevention. SB 6871 protects and enhances the Washington Auto Theft Prevention Account (WATPA) with a $1 surcharge on six-month auto insurance premiums, consistent with practice in the majority of states with auto theft prevention programs. This insurance program will generate about $9.6M per year for WATPA -- $1 million more per year than is collected with the current revenue stream. Given the source, the new revenues cannot be swept for other purposes.

Local Government. SB 6871 removes the sunset date on the 2009 court filing fee surcharges and applies existing state-local allocation percentages to the revenue generated from these surcharges. This will result in more than $3 million annually in new revenue for local governments.

The ATJ Board is very concerned about additional cuts to the Judicial Branch agencies. Access to the justice system is a fundamental right, a right that cannot be ensured without adequate funding of the justice system. This bill provides a reasonable solution in a difficult financial climate. It will help protect funding for the Office of Civil Legal Aid, ensure continuity of funding for the Office of Public Defense and the Administrative Office of the Courts, and will provide critically needed support for local courts.

Thank you for your consideration.

Sincerely,

Daniel S. Gottlieb, Chair
Access to Justice Board
March 8, 2010

Honorable Lisa Brown
Senate Majority Leader
Washington State Senate
307 Legislative Building
P.O. Box 40403
Olympia, WA 98504-0403

Re: 2ESSB 6508

Dear Senator Brown:

We write to respectfully request that the Senate not concur in the House amendments to 2ESSB 6508.

The Washington State Access to Justice Board (ATJ Board) is established by the Washington Supreme Court to work to ensure an accessible justice system for those with economic and other significant barriers. While we take no position on the policy issues addressed in this bill, the ATJ Board opposes the funding mechanism, which is to create a new superior court filing fee, and one that is directly related to court operations and the administration of justice. Last year, we reluctantly supported a filing fee surcharge to help address the state’s crisis and fund the judicial branch, and we support this year’s proposal to make those surcharges permanent. Nonetheless, we consider the imposition of filing fees to be a serious impediment for those who use the courts, particularly those who are required to go to court to protect their rights. Access to the courts is a constitutional right and the costs of access should not be shouldered by those least able to afford to do so. We must work together to ensure that our courts are funded by general tax revenues.

Thank you for your consideration.

Sincerely,

Daniel S. Gottlieb, Chair
Access to Justice Board

Cc: Senator Tracey Eide
Senator Adam Kline
Senator Randy Gordon
Senator Mike Hewitt
Senator Linda Evans Parlette
March 8, 2010

Honorable Lisa Brown
Senate Majority Leader
Washington State Senate
307 Legislative Building
P.O. Box 40403
Olympia, WA 98504-0403

Re: E2SSB 5912

Dear Senator Brown:

We write to respectfully request that you do not pass E2SSB 5912, concerning public funding for Supreme Court campaigns this year.

The Washington State Access to Justice Board (ATJ Board) is established by the Washington Supreme Court to work to ensure an accessible justice system for those with economic and other significant barriers. While we strongly support the underlying goal of this bill, which is to enhance the independence of the judiciary, the ATJ Board opposes the filing fee mechanism in this bill. The imposition of filing fees is a serious impediment for those who use the courts, particularly those who are low income. We believe strongly that opportunities to enhance the appearance of the independence of the judiciary are more appropriately funded by general tax revenues.

Thank you for your consideration.

Sincerely,

Daniel S. Gottlieb, Chair
Access to Justice Board

Cc: Senator Tracey Eide
    Senator Adam Kline
    Senator Margarita Prentice
RESOLUTION

WHEREAS, the Legal Services Corporation funds vital civil legal aid services that exist to serve our nation’s population of more than 44 million Americans struggling to survive poverty each year; and

WHEREAS, the Legal Services Corporation saves federal tax dollars by reducing homelessness, domestic violence and economic insecurity, and providing services for seniors, veterans and other vulnerable populations; and

WHEREAS, every eviction avoided and every family protected eases the strain on public resources while strengthening families and communities; and

WHEREAS, a 2003 Washington State Supreme Court-commissioned Civil Legal Needs Study found that 85% of low-income people face serious legal problems without help from an attorney; and

WHEREAS, there has been a dramatic increase in the poverty population during the past five years; and

WHEREAS, the current economic recession has created untold financial and legal havoc on America’s most vulnerable citizens; and

WHEREAS, each year more than 40,000 vulnerable families and individuals in Washington state receive critical legal help from Northwest Justice Project funded by the Legal Services Corporation; and

WHEREAS, civil legal in Washington State enjoys strong bipartisan support; therefore

BE IT RESOLVED, that the Washington State Access to Justice Board and Washington State Alliance for Equal Justice join with the American Bar Association to oppose any proposal to cut funding for the Legal Services Corporation for Fiscal Year 2011, and urge Congress to support increased funding of the Legal Services Corporation to the level necessary to provide critically needed civil legal aid services for low-income Americans.

WASHINGTON STATE ACCESS TO JUSTICE BOARD
Hon. Steven C. González, Chair

February 14, 2011
TO: U.S. Senator Patty Murray
U.S. Senator Maria Cantwell
U.S. Representative Jay Inslee
U.S. Representative Rick Larsen
U.S. Representative Jaime Herrera Beutler
U.S. Representative Doc Hastings
U.S. Representative Kathy McMorris Rodgers
U.S. Representative Norm Dicks
U.S. Representative Jim McDermott
U.S. Representative Dave Reichert
U.S. Representative Adam Smith

FROM: Washington State Bar Association’s Board of Governors
Washington State Access to Justice Board

DATE: March 18, 2011

RE: Support Funding for the Legal Services Corporation

We write to urge you to protect funding for the Legal Services Corporation (LSC), which funds legal aid programs across the nation, including Washington’s Northwest Justice Project. We oppose any cuts to the Legal Services Corporation in Fiscal Year 2011, and urge you to support increased funding to protect justice for our country’s most vulnerable families.

LSC supports 136 nonprofit organizations across the nation with just $420 million in annual funding. The clients served are at or below 125 percent of the federal poverty level, living on an income of $27,563 a year at most for a family of four. In Washington, the Northwest Justice Project leverages its $6.8 million annual grant to help more than 40,000 people; half of Northwest Justice Project’s cases involve domestic violence and the safety of children. And to take those dollars even further, Washington attorneys volunteer thousands of hours of legal help each year.

The vulnerable in our society — children, domestic violence victims, returning veterans, seniors, the infirm and disabled, the socially and economically exploited — suffer the most when legal aid is not available. Every eviction or foreclosure avoided, every family protected from violence, every child kept in school, eases the strain on state resources and saves tax dollars while increasing long term benefits to families and children.

Working Together to Champion Justice

Washington State Bar Association • 1325 Fourth Avenue, Suite 600 / Seattle, WA 98101-2539 • 206-727-8200 / fax: 206-727-8310
March 18, 2011
Page 2 of 2

Legal aid ensures the fair administration of justice in our courtrooms and reduces the demand on court services and law enforcement. When people are forced to try representing themselves without legal expertise or familiarity with court procedures, the court’s ability to properly decide serious cases is undermined.

At this time of unprecedented need and economic uncertainty, it is essential that funding for LSC is not reduced. Ensuring access to justice is a core responsibility of government. To cut LSC funding when the need for legal help is greater than ever undercuts the fairness of our country’s justice system; if justice is only available to those with means, there is no justice.

This April, our state will be sending a delegation of volunteers to speak with you about this important issue in your Washington, D.C., office. Thank you in advance for listening to our concerns and for everything you do in service to our state.

Sincerely,

Steven G. Toole
President, WSBA

Sincerely,

Steven González
Chair, Access To Justice Board
November 12, 2010

Dear King County Council:

RE: Proposed Ordinances 2010-0576, 2010-0577, 2010-0578, 2010-0579

The Washington State Access to Justice Board is established by the Washington Supreme Court to address issues for those who face economic and other significant barriers to the justice system. Access to the civil justice system is a fundamental right.

The ATJ Board writes in opposition to the proposed Ordinances. We share the concerns expressed to the Council by Legal Voice on this issue.

The current budget deficits in state, county and local governments are creating pressure to cut court programs or find additional revenue sources to support the justice system. The needs are compelling and the budget deficits are expected to get worse. In response, King County is considering additional fees for family law litigants in superior court. This is a very significant policy which will adversely impact low and moderate income family law litigants, not only in increased costs to accessing the system but also in lost time from work. Passages of these Ordinances could also have an impact on the judicial branch statewide.

These kinds of user fees have been considered and rejected in the past, for good reasons. Court fees and costs, even with a waiver program, significantly reduce access to justice. The ATJ Board believes that the court system, as one of three constitutionally established branches of state government, should be supported largely by general taxes, not by user fees. This core principle of access to justice should not be compromised for short-term expediency. The superior courts are a state-level court system and fees should be the same across the state. This is consistent with the conclusions of the Trial Court Funding Task Force’s Funding Alternatives Work Group, which studied this issue as part of the Justice in Jeopardy Initiative.

The ATJ Board opposes the proposed ordinances that will increase family court user fees. In these difficult economic times, access to the courts for low and moderate income people will be significantly reduced because of increased fees and mandatory appearances.

The ATJ Board requests that you consider the following alternative solutions:

1. The King County Law Library can provide assistance to pro se family law litigants in dissolution matters, including providing documents at cost.

2. Ask judges and commissioners to mediate in family law matters.

3. Given the excess capacity of superior court judges due to the reduction in criminal and drug court filings, we encourage the superior court to eliminate commissioner positions through attrition. (In Spokane County, superior court judges already sit in ex parte cases in lieu of commissioners.)

4. We request the King County Council to encourage the King County Superior Court to undertake a community-based review of its practices, procedures and processes which currently create barriers to accessing the justice system.
The Access to Justice Board has opposed these user fees in the past. On November 12, 2010, the ATJ Board voted again to oppose user fees in King County because they adversely impact low and moderate income people.

Thank you.

Sincerely,

[Signature]

Kirsten Barron, Chair-Elect
Access to Justice Board

cc: King County Council Members
    Legal Voice
    Access to Justice Board
October 15, 2010

Mr. Robert E. Feldman, Executive Secretary
Attention: Comments
Federal Deposit Insurance Corporation
550 17th Street, NW
Washington DC 20429

RE: FDIC Rule — RIN 3064-AD37

Dear Mr. Feldman:

On behalf of the Washington State Access to Justice Board, we join other supporters of civil legal aid around the country in bringing the concerns arising from the proposed rule to implement the section of the Dodd Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) that provides temporary unlimited coverage for non interest-bearing transaction accounts to your attention.

Although included within the current unlimited coverage guidelines under the existing Transaction Account Guarantee (TAG program) should the proposed rule be implemented, IOLTA accounts would be excluded in the revised Regulation and cease to be fully covered effective January 1, 2011. As we are certain you have been informed, just before the Senate recessed for November elections, Senators Merkley, Johnson, Corker and Enzi introduced bi-partisan legislation that would correct the unintended exclusion of IOLTA accounts in the Dodd-Frank Act.

As supporters of access to justice, which benefits from the IOLTA program, we support this correction and continued inclusion of IOLTA in the existing TAG program. Further, we respectfully request a delay in the proposed regulation implementation and associated notification requirement based on the following:

1. The unique nature of an IOLTA account — IOLTA accounts should remain included in the TAG program because neither the owners of the funds nor the depositor of funds (the attorney) benefits from the interest on the IOLTA account. Therefore, for both of these entities, the accounts are similar to non-interest bearing accounts and should continue to be afforded full coverage.

2. Possible negative impact on smaller community banks — if the FDIC does not delay the implementation of the proposed regulation and notification requirement, numerous attorney and law firm depositors, unaware of the potential fix to this problem offered by the abovementioned Senators, may decide to move their existing IOLTA accounts from smaller community banks to larger, national banks.

The Washington IOLTA program offers a tremendous benefit to the most vulnerable citizens in our state by addressing their legal needs in crisis. The success of this program, however, is dependent upon consideration of all...
the stakeholders involved, including attorneys and their clients, banks, and the beneficiaries of the interest earned. The proposed implementation of the notification requirement could unnecessarily and negatively impact these stakeholders as well as the Arizona IOLTA program as a whole.

We respectfully request that the FDIC delay implementation of the proposed Regulation and notification requirement relative to IOLTA accounts until Congress passes the Senate bill or other corrective legislation.

Sincerely,

Hon. Steven C. González, Chair
Washington State Access to Justice Board
June 18, 2010

Justice Charles W. Johnson, Chair
Supreme Court Rules Committee
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

Dear Justice Johnson:

A uniform fee waiver rule in this state is long overdue. The need is all the more poignant in the current economic crisis. The Washington State Access to Justice Board (ATJ Board) has reviewed suggested amendments to GR 34 submitted by Office of Civil Legal Aid (OCLA) Director James A. Bamberger clarifying which fees and costs may be waived. It also reviewed proposed language changes to Section (a)(2) of GR 34 submitted by Mr. Donald Horowitz, which have been accepted by the Rules Committee.

The ATJ Board supports these suggested amendments and urges the Rules Committee to accept Mr. Bamberger’s clarifying language. We believe it is crucial that the rule cover both costs and fees.

The ATJ Board has long supported the adoption of a uniform fee waiver rule in this state, including supporting the various iterations of proposed GR 34 during the past four years. While we appreciate the Supreme Court’s continued and careful attention to proposed GR 34, we also observe that all interested parties may never be able to agree on a proposal. With very few exceptions, the comments to GR 34 received through April 30, 2010 indicated strong support for the rule. Most who submitted comments assist or represent low income people and see first-hand that the imposition of fees and costs is a significant impediment to accessing the courts.

Judge Learned Hand wrote: “If we are to keep democracy, there must be a commandment: Thou shalt not ration justice.” We have an obligation to provide access to the court for all, regardless of financial status. Under the current complicated system of fee waivers that is not uniform we are rationing justice and creating unnecessary barriers for the indigent.

The Access to Justice Board is charged by the Supreme Court to work to achieve equal access to justice for those facing economic and other significant barriers. GR 34 is an important step in ensuring that the costs necessary for an efficient and effective justice system do not serve as a barrier for those who can least afford to pay them. We urge your acceptance of these amendments and an expeditious reconsideration of the rule.

Thank you.

Sincerely,

Judge Steven C. González, Chair
Access to Justice Board

Cc: Chief Justice Barbara Madsen
Members of the Access to Justice Board
April 26, 2010

Ronald Carpenter, Clerk
Washington Supreme Court
415 12th Ave., S.W.
PO Box 40929
Olympia, WA 98504-0929

ATTN: Camilla Faulk

RE: Proposed GR 34 – Waiver of Court and Clerks Fees and Charges in Civil Matters on the Basis of Indigency

Dear Mr. Carpenter:

The Washington State Access to Justice Board (ATJ Board) was established by the Washington Supreme Court to address access issues for those who experience economic and other significant barriers to the justice system. Consistent with that directive, the ATJ Board encourages the Court to adopt the most recent version of GR 34, published for comment in April 2009.

The need for a fair and uniform system for determining eligibility for fee waivers is well established in this state. In a 1998 Report to the Washington State Bar Association (WSBA), its Pro Bono and Legal Aid Committee (PBLAC) concluded that “the practical application of the constitutional right of indigent litigants to a waiver of filing fees was wanting in regularity of criteria and process.” Absent criteria and process, the “practical application” is that the granting of fee waivers in many Washington state jurisdictions is largely subjective. Moreover, the lack of information in many jurisdictions about the right to request a fee waiver may have the unintended consequence of dissuading indigent people from seeking redress in our courts because they cannot pay the filing fee. Given a worsening economic climate, an increasing poverty population, and reductions in court budgets, it is imperative that the constitutional right of access to the courts be protected.

The ATJ Board has been involved in the development of proposed GR 34 for the past four years, and believes its adoption will be an important step in ensuring that the costs necessary for an efficient and effective justice system do not serve as a barrier for those who can least afford to pay them. Proposed GR 34 creates a uniform standard of indigency, establishes a streamlined application process, and provides incentives for pro bono representation. It preserves the constitutional right to access the courts by removing a barrier for low income people.

The ATJ Board urges the Court’s adoption of GR 34.

Thank you.

Sincerely,

Daniel S. Gottlieb, Chair
Access to Justice Board
January 27, 2010

Justice Charles W. Johnson, Chair
Supreme Court Rules Committee
Washington State Supreme Court
P.O. Box 40929
Olympia WA 98504-0929

RE: Proposed GR 35 – Clerk’s Fees and Charges

Dear Justice Johnson:

The Access to Justice Board writes to encourage the Supreme Court to consider, and publish for comment, proposed GR 35 – Clerk’s Fees and Charges.

Court fees and charges are a barrier to access to justice for the indigent, particularly in these difficult economic times. The Access to Justice Board is aware of pressures on the courts to raise revenues, but, as we have indicated in prior correspondence with the Court on this issue, and as this Court has contended many times, courts must be adequately funded by general revenues so that revenue generation does not become a requirement of our local courts, and that the burden for revenue generation does not fall upon those least able to pay.

The new fee structure for the Clark County Court system is a good example of the barriers to equal and unimpeded access to justice for legal aid providers, pro se litigants, and the poor and vulnerable.

On January 4, 2010, Clark County implemented a series of changes to its case management system that severely limits access to court documents in the courthouse and online. The first major change is that attorneys are no longer able to check out files from the Clerk’s Office. Attorneys were previously able to take case files off site and photocopy them at a reduced rate. The cost for copies is now controlled by the court through access to a public computer available in the lobby at $.50 per page and $.25 per page for e-mailing the documents through the public computer. There is an additional $2.00 charge per credit card transaction. These rates are well above market, especially for electronic copies, which cost virtually nothing.

The second major change is that the court now offers an online subscription service, "LibertyWeb," which allows access to public files 24 hours a day, seven days a week. The cost for a subscription is set at a single price for all users of $1,500 for the first year and $500 per year after that. This is cost prohibitive to begin with, but it gets worse. The system does not offer a reduced fee for legal aid organizations, pro bono attorneys or pro se litigants, and there is no in forma pauperis procedure in place for waiver of fees for low-income litigants. Although the five attorneys in the Northwest Justice Project's Clark County office are covered by a single subscription, the system prohibits simultaneous access for these attorneys. In short, access to online public files works as a barrier to equal access to the justice system in Clark County.
Clark County’s new system is not the first such initiative to be implemented in this state without taking into account the impact on access to justice. In November 2004, Pierce County implemented a similar electronic access service and set service fees at rates that were burdensome for legal aid providers and extremely expensive for pro se litigants. In response, the Access to Justice Board worked with Pierce County to establish a procedure for fee waivers to address these barriers. The ATJ Board also recommended at that time that there be “statewide standards that assure unimpeded, equal, and fair access to the justice system generally and to court records specifically, while also enabling and supporting reasonable, non-burdensome operations and cost-based fees related to the size, location, and other relevant characteristics of the local court and the local community” (ATJ Board Letter to Hon. C. Kenneth Grosse, Chair, JIS Data Dissemination Subcommittee, February 2, 2005).

Without proposed GR 35, the costs of our justice system will be borne by those least able to afford to pay to access it, and we will have an unworkable and unfair patchwork of inconsistent fees and local procedures throughout our state.

Thank you for your consideration of this request.

Sincerely,

[Signature]
Daniel S. Gottlieb, Chair
Access to Justice Board

cc: Justice Tom Chambers
    Access to Justice Board

encl.: Clark County Bar News Article
As a result of the recent county budget reductions, the Clerk’s Office will make the following changes beginning January 4, 2010.

1. Our public office hours will change to 8:30 am to 4:30 pm. The staff will work 7.5 hours per day, generally from 8:30 am to 5:00 pm.

2. Attorneys will no longer be able to check out files from the Clerk’s Office. For many years we have been among only a few counties in the state that offer this service, but the reduction in staff hours means it is no longer possible. You may still view files in the office or there is a public computer available in our lobby from which you can view the documents and print any copies you might need. The cost for those copies is 50 cents per page, uncertified or we can e-mail the documents for .25 cents per page.

Files for cases that are “short set” may be picked up from the office by the attorney of record and taken to the courtroom. Those files should be returned to the clerk in the courtroom.

Additionally, we now offer subscriptions to our LibertyWeb which allows access to public files from 1985 forward on a 24/7 basis. That subscription can be shared by as many as five attorneys or offices, but only one person at a time may access document images. If you are the attorney of record, we can arrange for you to view confidential documents also. The cost for a subscription is $1,500 for the first year and $500 per year after that. Contact our office for more details.

3. We will institute a $10.00 fee for citizens on public assistance to meet with the Family Law Facilitator for a 20 minute appointment. These citizens do not currently pay a fee; those citizens not on public assistance will continue to pay a $20.00 appointment fee.

4. There may be a delay in getting documents into files. To be sure documents are available for the judicial officer, please file early or supply a bench copy.

5. We will be moving our Criminal Collections Unit staff into our space at the Family Law Annex beginning the end of the month. They monitor the payment of legal financial obligations owed by defendants convicted in superior court.
April 13, 2011

Steven G. Toole, President
Washington State Bar
1325 4th Avenue, Suite 600
Seattle, WA 98101

RE: Proposed CPD Standards on Case Load Limits (CrR 3.1, CrRLJ 3.1, JuCR 9.2)

Dear President Toole:

The Washington State Access to Justice Board (ATJ Board) has been following the discussion of proposed standards under amendments to CrR 3.1, CrRLJ 3.1 and JuCR 9.2, including the proposals relating to the establishment of case load limits. The ATJ Board has an interest in this issue because of the inevitable civil consequences of ineffective assistance of counsel on indigent defendants and their families.

Having reviewed and considered the positions of the WSBA Council on Public Defense (CPD), the Washington State Association of Municipal Attorneys, the Association of Washington Cities and the Washington State Association of Counties, the ATJ Board encourages the WSBA Board of Governors to maintain its long-held position of supporting case load limits for public defense attorneys by adopting the CPD’s proposed standards in connection with the amendments to CrR 3.1, CrRLJ 3.1 and JuCR 9.2.

The ATJ Board is persuaded by the exhaustive studies on the effects of unregulated caseloads on the quality of justice received by the poor. On the civil side, the arrest, conviction or incarceration of a family member resulting from the ineffective assistance of counsel can result in the loss of family housing; create marital or child custody issues; impact a family’s eligibility for public assistance; and otherwise further impoverish a family already struggling to stay afloat. There also are significant costs to the taxpayer and to society.

The CPD proposed amendments are a well-reasoned approach. As the Washington State Office of Public Defense noted in its 2010 Status Report on Public Defense in Washington State: “Caseload limitation is widely considered to be the most critical objective standard for predicting quality in a public defense program.”

Thank you.

Sincerely,

Judge Steven C. Gonzalez, Chair
Access to Justice Board

Cc: Chief Justice Barbara Madsen, Washington Supreme Court
Members of the Board of Governors
Paula Littlewood, WSBA Executive Director
Marc A. Boman, Chair, WSBA Council on Public Defense
Members of the Access to Justice Board
Recommendations
Immigration & Civil Rights Forum
(Adopted by the ATJ Board on June 18, 2010)

Recommendation 1: Immigration Enforcement in Washington Courthouses

The Board of Governors should encourage, and the ATJ Board should support, the adoption of policies by the Board of Judicial Administration (BJA) and other judicial policy bodies that warrants for the arrest of individuals based on their immigration status shall not be executed within courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in courthouses unless the public’s safety is at immediate risk. All judicial policy bodies in Washington State should affirm the importance of the principle that our courts must remain open and accessible for all individuals and families to resolve disputes under the rule of law.

Comment: On April 15, 2008, the King County Superior Court Judges adopted the following policy:

The King County Superior Court judges affirm the principle that our courts must remain open and accessible for all individuals and families to resolve disputes under the rule of law. It is the policy of the King County Superior Court that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the King County Superior Court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the King County Superior Court courthouses unless the public’s safety is at immediate risk. Each judicial officer remains responsible for enforcing this policy within his or her courtroom. This policy does not prohibit law enforcement from executing warrants when public safety is at immediate risk.

In adopting this policy, the King County Superior Court judges recognized that cooperation with other branches of government, including law enforcement agencies, is essential. The judges respectfully requested that the county executive, in cooperation with the other branches of government, initiate a dialogue with the appropriate law enforcement agencies to develop a protocol implementing the policy which: 1) respects the dignity of the courtroom and the proceedings occurring in each of the courtrooms; and 2) discourages arrests inside of the courthouses.

The BJA and other judicial policy bodies in Washington State should adopt similar policies to ensure that Washington courts remain open and accessible for all individuals and families.
Recommendation 2: Threatened or Actual Use of Immigration Enforcement to Gain an Advantage in a Civil Matter

The Board of Governors should adopt, and the ATJ Board should support, a WSBA Formal Opinion stating that threatening to report or actually reporting a person to immigration officials to gain an advantage in a civil matter is a violation of the Rules of Professional Conduct. After adoption of the formal opinion, the BOG and the ATJ Board should petition the Washington Supreme Court for a Rule of Professional Conduct that specifically prohibits threatening to report or actually reporting a person to immigration officials to gain an advantage in a civil proceeding.

Comment: In a recent personal injury case, the Washington Supreme Court found that it was an abuse of discretion to admit evidence of immigration status:

Issues involving immigration can inspire passionate responses that carry a significant danger of interfering with the fact finder's duty to engage in reasoned deliberation. In light of the low probative value of immigration status with regard to lost future earnings, the risk of unfair prejudice brought about by the admission of a plaintiff's immigration status is too great. Consequently, we are convinced that the probative value of a plaintiff's undocumented status, by itself, is substantially outweighed by the danger of unfair prejudice.


RPC 4.4(a) provides: “In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person . . .” Because immigration status is highly prejudicial and inadmissible in a civil matter, threatening or presenting immigration charges to gain an advantage in a civil proceeding can have no substantial purpose other than to embarrass or burden the person subjected to threats or presentation of immigration charges.

Further, RPC 8.4(d) states: “It is professional misconduct for a lawyer to . . . engage in conduct that is prejudicial to the administration of justice.” Attempting to use a highly prejudicial and inadmissible subject to gain an advantage in a civil matter is prejudicial to the administration of justice.

The Salas case is but one example of the increasingly frequent attempts to use immigration status to gain an unfair advantage in a civil matter by exploiting jurors’ emotions on the subject and confusing the jury with irrelevant or marginally relevant issues of immigration status. Now that the Supreme Court has ruled that a plaintiff’s undocumented status is inadmissible, the WSBA and Supreme Court provide practitioners clear guidance on the related ethical issue.

Recommendation 3: Racial Profiling

The Board of Governors should adopt, and the ATJ Board should support, a resolution calling for appropriate disciplinary action to be taken against all those shown to have engaged in racial
profiling, as well as independent oversight mechanisms and systematic training for law enforcement organizations to promote a culture of openness and respect rather than racism.

Comment: Racial profiling—the targeting of individuals for investigation and enforcement based on race or ethnicity rather than on evidence of criminal activity—not only exacerbates racial disproportionality in our criminal justice system, but is unconstitutional and harms public safety by damaging trust between communities and law enforcement.

The recent incident of violence by two Seattle Police Department officers against an unresisting Latino bystander is simply the latest reminder of the pervasive and persistent nature of racial profiling. We call for appropriate disciplinary action to be taken against all those shown to have engaged in racial profiling, as well as independent oversight mechanisms and systematic training for law enforcement organizations to promote a culture of openness and respect rather than racism. This kind of accountability will help rebuild trust between law enforcement officers and the communities they serve—trust that is critical to effective community policing and public safety.

We must also be vigilant in scrutinizing laws that invite racial profiling in their enforcement. Examples include Arizona’s recent immigration law (SB 1070), which curtails due process on the basis of mere suspicion of being undocumented, and gang suppression bills that attempt to target enforcement based on clothing and association rather than criminal activity. With the alarming incidence of racist and anti-immigrant sentiment throughout the nation, we must strive to enact laws that protect the civil rights and liberties of all, regardless of race, ethnicity, national origin, or citizenship status, rather than fan the flames of intolerance. We encourage all in the legal profession to take meaningful action to oppose and eliminate racial profiling.

**Recommendation 4: Immigration and Local Law Enforcement**

The Board of Governors should adopt, and the ATJ Board should support, a resolution calling on local law enforcement agencies to refrain from enforcing federal immigration laws unless they are required to do so by law or court order. The resolution would call on state and local legislative bodies to adopt regulations preventing local law enforcement from actively enforcing immigration laws and would call on local law enforcement agencies to adopt formal policies to the same effect.

Comment: Ensuring that community members feel safe when contacting local law enforcement officials is crucial to enhancing community safety. The enforcement of immigration laws is properly the role of federal immigration officials, and local law enforcement agencies have neither the expertise nor the capacity to enforce the complex body of immigration law. Instead, the primary role of local law enforcement agencies is to investigate criminal activity and when these agencies are either actually enforcing immigration laws or perceived as doing so, significant portions of the community may be reluctant to come forward to seek protection or to provide critical information.
The then-chief of the Los Angeles Police Department, William J. Bratton, explained the rationale for local law enforcement agencies refraining from enforcing immigration law in an op-ed in the Los Angeles Times last fall:

Keeping America's neighborhoods safe requires our police forces to have the trust and help of everyone in our communities. My nearly 40 years in law enforcement, and my experience as police commissioner in Boston and New York City and as chief in Los Angeles, have taught me this.

Yet every day our effectiveness is diminished because immigrants living and working in our communities are afraid to have any contact with the police. A person reporting a crime should never fear being deported, but such fears are real and palpable for many of our immigrant neighbors.

The Police Foundation published a report in April titled "The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties." The report confirms that when local police enforce immigration laws, it undermines their core public safety mission, diverts scarce resources, increases their exposure to liability and litigation, and exacerbates fear in communities that are already distrustful of police.

The report concluded that to optimize public safety, the federal government must enact comprehensive immigration reform. As police chief of one of the most diverse cities in the United States, and possibly the world, I agree.


**Recommendation 5: Support for Comprehensive Immigration Reform**

The Board of Governors should adopt, and the ATJ Board should support, a resolution calling on Congress and the President to enact Comprehensive Immigration Reform (CIR) legislation. The resolution should call for reform that accomplishes the following: (1) improves the economic situation of all workers in the United States; (2) legalizes the status of undocumented immigrants working and living in the United States; (3) reforms visa programs to keep families together, protecting workers’ rights, and ensuring that future immigration is regulated and controlled rather than illegal and chaotic; (4) implements smart, effective enforcement measures targeted at the worst violators of immigration and labor laws; (5) prioritizes immigrant integration into our communities and country; and (6) respects the due process rights of all in the United States.

**Comment:** It is clear that our current immigration system has for decades now failed to keep up with the realities of our economy and of global migration patterns. Instead of acknowledging the dysfunctional nature of our current system, our country has poured resources into enforcing this failed system at great human and fiscal cost and with little benefit to our society.
Reforming our immigration laws will not only provide a significant boost to our economy but will also ensure that our country is living up to its values. The substantial increase in immigration enforcement activities over the past decade has led to families being torn apart and immigrant communities living in fear. The lack of reform has also fomented an underground economy in which workers are easily exploited and unscrupulous employers can more easily evade labor and safety protections.
February 17, 2010

Salvador A. Mungia, President
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101

RE: Proposed Changes to the Emeritus Program

Dear President Mungia:

The Access to Justice Board (ATJ Board) has had an opportunity to participate in discussions with the Washington State Bar Association (WSBA) Pro Bono and Legal Aid Committee (PBLAC) regarding proposed changes to the Emeritus Program. ATJ Board member Greg Dallaire attended the January 21, 2010 Board of Governors (BOG) meeting at which these proposed changes were discussed. Subsequently, and at the request of the BOG, the ATJ Board and PBLAC met with the WSBA Bylaws Review Committee on February 12, 2010.

The ATJ Board is in full support of PBLAC’s recommendations regarding the Emeritus Program (see PBLAC’s February 17, 2010 Memorandum to the BOG).

The ATJ Board supports the Program Review Committee’s recommendation to strengthen the WSBA’s commitment to training for Emeritus and pro bono lawyers. We encourage the BOG to consider the proposed mandatory continuing legal education (MCLE) requirement for Emeritus attorneys as an opportunity to present a positive benefit for Emeritus attorneys. The ATJ Board strongly supports PBLAC’s recommendation that the WSBA annually provide a minimum of 15 hours of free online training for Emeritus attorneys in substantive areas relevant to their pro bono work. If adopted, this will serve the dual purposes of increasing Emeritus participation and addressing the WSBA’s concerns related to competency.

During the development of our most recent Plan for the Delivery of Civil Legal Aid to Low-Income People in Washington State (State Plan), legal aid and volunteer lawyer services programs reported a compelling need for training for pro bono attorneys. Many of these programs increasingly rely on the services of Emeritus attorneys who, because they are not otherwise actively practicing law, generally have more time to volunteer. Given the dramatic increases in demand for civil legal aid, Emeritus attorneys are proving to be a very valuable resource. While we share with the WSBA’s concerns about ensuring attorney competence, we caution against creating barriers to participation in the Emeritus Program. By offering 15 hours of free training each year, WSBA can address both its regulatory and public service objectives.

Recent technology improvements at the WSBA and legal aid service providers create another opportunity to benefit Emeritus and pro bono lawyers. The ATJ Board supports PBLAC’s recommended changes regarding the provision of online training. These changes will be especially helpful for lawyers practicing in rural areas.
Some of the changes recommended by the Bylaws Committee are governed by APR 8(e) and will require action by the Supreme Court to be implemented. We observe that current APR 8(e) exempts Emeritus attorneys from MCLE compliance, but requires that Emeritus attorneys complete a training course or courses approved by the BOG. The current rule has proven effective; indeed, the President of the American Bar Association noted it was the most effective in the country. When it comes time to address changes to APR 8(e), it will be important for the WSBA to make a strong case that its proposed changes will not undermine the goal of the Rule, which is to increase pro bono participation in Washington State.

Thank you.

Sincerely,

Daniel S. Gottlieb, Chair
Access to Justice Board

cc: Steve Toole, WSBA Chair-Elect
    Members of the Board of Governors
    Paula Littlewood, WSBA Executive Director
    Dan Young, Chair, WSBA Pro Bono and Legal Aid Committee
    Access to Justice Board
Access to Justice Board Awards
Award Descriptions and Recipients
(Updated September 29, 2010)

Access to Justice Community Leadership Award: This is awarded to recognize the efforts of an individual or an organization outside the legal community that has played a strategic, significant and courageous leadership role in improving access to the justice system for those who face economic or other significant barriers.

1999  Stemilt Growers and Auvil Fruit Company
2000  WestCoast Hotels
2001  Yakima Herald
2002  King Television – “Legally Speaking”
2003  Hate Free Zone Campaign of Washington
2004  North Central Washington Equal Justice Advisory Committee
2005  Seattle Times reporters Ken Armstrong, Florangela Davila and Justin Mayo
2006  No award
2007  TV Washington
2008  Representative Patricia T. Lantz, Washington House of Representatives, 26th District and Ricardo R. Garcia, former Executive Director of Northwest Communities’ Education, Radio KDNA
2009  Seattle University School of Law

Access to Justice Partnership Award: This is awarded to recognize the efforts of a low-income or community-based or grassroots organization that serves the needs of low income persons, and that has collaborated with Alliance members or played a significant leadership role outside the legal community to identify or address poverty issues of those facing economic or other significant barriers.

Access to Justice Leadership Award: This award recognizes the efforts of those individuals in the Washington State Alliance for Equal Justice who have played a significant leadership role in continued efforts to build and promote a statewide integrated, non-duplicative civil legal aid delivery system that is responsive to those facing economic and other significant barriers.

2003  Pam Feinstein, Eastside Legal Assistance Program
2004  Columbia Legal Services
2005  Barbara Clark, Legal Foundation of Washington
2006  Patrick McIntyre
2007  John Purbaugh
2008  Matt Adams, Northwest Immigrant Rights Project
2009  Kellee E. Spangenberg, Spokane County Bar Volunteer Lawyers Program
2010  Mary Swenson, LAW Advocates, Bellingham

Access to Justice Judicial Leadership Award: This award recognizes the judiciary’s significant leadership role in improving access to the justice system for those who face economic and other significant barriers.

2000  Chief Justice Richard P. Guy
2001  Judge T.W. “Chip” Small
2002  Chief Justice Gerry L. Alexander
2003  Board for Judicial Administration
2004  Washington State Supreme Court
2005  Justice Faith Ireland, ret., Washington State Supreme Court
2006  Judge Ellington, Washington State Court of Appeals, Division I
2007  Judge Catherine Shaffer
2008  Judge Marlin J. Appelwick, Washington State Court of Appeals, Division I
Access to Justice Advocacy Award: This award recognizes outstanding work by Alliance staff advocates in furtherance of the promise of equal justice for those who face economic and other significant barriers.

2010 Andrew Kashyap and Aurora Martin, Columbia Legal Services

Norm Maleng Leadership Award (est. July 2007): This award is given jointly by the WSBA and the Access to Justice Board, in honor of Norm Maleng’s legacy as a leader. He was an innovative and optimistic leader committed to justice and access to justice in both civil and criminal settings. Within the profession, his leadership was characterized by his love of the law and commitment to diversity and mentorship. This award will recognize those who embody these qualities.

[Nomination submissions are coordinated by the staff in the WSBA Office of the Executive Director].

2008 Wayne Blair, JAMS Resolution Center
2009 Judge Mary Yu, King County Superior Court
2010 Lonnie G. Davis, Alliance of People with Disabilities
MEMORANDUM

TO: Access to Justice Board

FR: Joan Fairbanks, Allison Durazzi

RE: Legal Community Events

DA: February 18, 2011

At its September 19, 2009 meeting, the ATJ Board adopted a recommendation from its July 17, 2009 retreat that the ATJ Board increases its visibility at legal community events through the state. At its January 15, 2010 meeting, the ATJ Board adopted a set of protocols for coordinating participation. These contemplate: (1) Individual ATJ Board members will attend local bar association events with an access to justice focus. (2) ATJ Board staff will prepare a list of legal community events for a four-month period, to be circulated at each ATJ Board meeting.

The following legal community events are now scheduled or have already occurred. Links to these and other events are posted at http://www.allianceforequaljustice.org/index.php?p=Upcoming_Events&s=257

February 25, 2011: UW Public Interest Law Association Annual Auction (Ishbel Dickens)

February 25, 2011: Gonzaga University School of Law Public Interest Law Foundation Annual Auction (Elizabeth Schoedel)

March 5, 2011: Seattle University School of Law Public Interest Law Foundation Annual Auction

March 24, 2011: King County Bar Foundation’s Breakfast with Champions; Westin Seattle; 7:30 a.m.

May 20, 2011: Statewide Diversity Conference - Washington Minority Bar Associations Collaboration Project ("WAMBAC") - Seattle

May 20, 2011: Loren Miller Annual Dinner, Grand Hyatt, Seattle, 5:30

Past Events:

Mar. 6, 2010: Snohomish County Legal Services Annual Auction, Tulalip Casino. (Kirsten Barron)

Mar. 6, 2010: Seattle University School of Law Annual PILF (Public Interest legal Foundation) Auction (Joan Fairbanks)
Mar. 10, 2010: King County Bar Foundation Breakfast with Champions, Sheraton, Seattle.  
(Dan Gottlieb)

Mar. 11, 2010: Northwest Indian Bar Association Annual Dinner.

Mar. 18, 2010: "Legal Voice Spring Celebration." Renaissance Madison Hotel, Seattle.  
(Aiko Schaefer)

April 2, 2010: Gates Public Service Scholarship Weekend Reception, 5-6:30, Hotel Deca Ballroom, 4507 Brooklyn Avenue, N.E., Seattle.  RSVP by March 26 - gatespl@u.washington.edu  (Joan Fairbanks)

April 7, 2010: Seattle University School of Law 3rd Annual Celebration of Social Justice, 5:30 – 8:00, Campion Ballroom, Seattle University Campus.  RSVP by March 30 to James Tan at tanj@seattleu.edu or 206-398-4173  (Judge Steve González)

Apr. 16, 2010: Annual Senior Lawyers Conference. Seatac, WA.  CLE credits pending. By the WSBA Senior Lawyers Section and WSBA-CLE; 800-945-WSBA

April 30, 2010: MELAW (Middle Eastern Legal Association) Club Night & Fundraiser, 9 a.m. – midnight.

May 4, 2010: Thurston County Volunteer Legal Services Annual Volunteer Appreciation and Fundraising Breakfast.  7 a.m.  Indian Summer Golf and County Club.  (Pat Lantz and Dan Gottlieb)

June 23, 2010: King County Washington Women Lawyers Judicial Appreciation and Honors Luncheon, Hyatt at Olive 8, Seattle

Jun. 24, 2010: King County Bar Association Annual Awards Dinner - 5:30 p.m.; Sheraton Hotel, downtown Seattle.  (Wayne Blair and Judge Steve González)

Jun. 25, 2010: Washington Minority Bar Associations Collaboration Project (WAMBAC) Fifth Annual Statewide Diversity Conference, Seattle University School of Law. For information, see www.wambac.org.  (Judge Steve González)


September 23, 2010: WSBA Annual Awards Dinner, 5:30 pm,  www.wsba.org  (Greg Dallaire)

October 1, 2010: MELAW (Middle Eastern Legal Association) First Annual Banquet – 6-9 p.m.  (Brian Ledbetter)

October 1: NWIRP 26th Anniversary Celebration, Washington State Convention Center, 5:30 – 7:00 – www.nwirp.org/NewsAndEvents/Events.aspx#21  (Caitlin Davis Carlson, Jim Bamberger and Kirsten Barron)


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October 7: LAW Advocates Annual Dinner & Fundraiser, 5:30, Bellingham (Kirsten Barron)

October 8, 2010: Washington Women Lawyers Annual Event and Dinner, Davenport Hotel, Spokane – www.wwl.org (Elizabeth Schoedel)

October 14, 2010: Washington Appleseed Annual Luncheon, The Seattle Hilton, 12:00–1:30 – honoring William Gates, Sr.; RSVP to Katie@WAAppleseed.org (Ishbel Dickens)


October 29, 2010: 2nd Annual Kitsap Legal Services Volunteer Appreciation Breakfast, at Kitsap County Courthouse


Nov. 18, 2010: South Asian Bar Association of Washington 5th Annual Banquet; Hyatt at Olive 8 Hotel, Seattle; 5:30-8:30 p.m. For more information, contact Rajiv Sarathy at 206-359-6478 or rsarathy@perkinscoie.com

December 11, 2010: Tacoma Pierce County Bar Foundation’s Art for Equal Justice at the Tacoma Art Museum; 6 – 10 p.m. – www.tacomaprobono.org/art.html (Kirsten Barron, Wayne Blair and Pat Lantz)

Jan. 28, 2011: Latina/o Bar Association of Washington 19th Annual Awards Gala, Seattle Waterfront Marriott, 5:30 p.m. – 8:30 p.m. (Judge Steve González)

Feb. 8, 2011: "Justice at Work Open Court"; King County Courts Open House co-sponsored by the Justice in Jeopardy Initiative. (Judge Steve Gonzalez)
Memorandum

To: Access to Justice Board

From: Aiko Schaefer, ATJ Board member / Outreach Task Force Chair

Re: Outreach/External Relations Task Force Report & Recommendation

Date: 11/02/10

Task Force members: Aiko Schaefer, Nell McNamara, Michele Storms, César Torres, Joan Fairbanks and Judge Fry.

On January 15, 2010, the ATJ Board voted to create a Task Force that would develop a proposal to increase the outreach and broaden the external relations of the Board for the purposes of advancing our mission. The following information summarizes the context and discussions of the Task Force and provides a recommendation of an outreach plan for the Board’s consideration.

Context – Taskforce Discussions:

The Outreach Taskforce met on July 6, October 11 and November 2, 2010 and engaged in very productive discussions about the nature of the task facing the Board. The Taskforce narrowed the issues and better defined the goals for the ATJ Board’s outreach efforts. An important distinction made during our discussions concerned the ATJ Board’s efforts to, (1) increase support for civil legal aid and access to justice generally within various groups and communities by highlighting the contributions and the value of access to justice concerns to the broader community, and (2) take every possible opportunity to learn about the legal needs, ongoing advocacy, and coordination with human service providers in local communities. With these two overall concerns in mind, the Taskforce has elaborated on the goals of the ATJ Board’s outreach work and also prepared a recommended outreach plan for 2011.

Goal of the ATJ Board’s outreach work:
To foster deeper engagement with distinct communities around the state so as to increase support for and further improve access to justice and to enhance the ATJ Board’s understanding of the civil legal aid needs of low and moderate income communities across the state.

Recommendation:

That the ATJ Board undertake an outreach effort in 2011 to address these two goals - with the understanding at the end of the year we would evaluate how things went and then decide whether or not the proposed outreach work should be permanently integrated into the ATJ work plan. Specifically in 2011:
• For the ATJ Board meetings in Olympia, Omak and Kennewick to build into the agenda a panel of local social or human service providers (e.g. United Way, homeless coalitions, social/human service groups, legal aid providers and if possible clients, to come talk about the local legal and socioeconomic challenges in those areas. In addition, explore visiting or inviting local governmental, citizen groups or service organizations (Tribes, United Way Rotary Club, Chamber of Commerce, etc.) so as to educate these groups about the work of the ATJ Board and civil legal aid services to develop ongoing relationships and connections to increase support for access to justice in the greater community.

• For the Kennewick meeting, in addition to the above, that the ATJ Board ask the ATJ Conference Planning Committee to include workshops and/or a track that provides opportunities for local social and human service providers that work with civil legal aid programs to participate in the conference.

• The ATJ Board identify statewide organizations, associations, or entities which are not currently connected to or engaged with access to justice issues, or which could directly benefit from access to legal services, and who are potential partners in the efforts to maintain and strengthen support for access to justice, and develop a plan to open a dialogue, engage with and help educate these organizations and their local affiliates or members on the work of the ATJ Board and the importance of supporting access to justice, including visiting the organizations or inviting these to ATJ Board meetings.

• Consider asking the advocates presenting at the regular ATJ Board meetings to bring a non-legal community partner with whom the advocate partners in its advocacy efforts.

• Offer regional Alliance planning groups the opportunity for individual ATJ Board members to attend regional meetings to listen and learn about local issues and challenges to help the Board have a deeper understanding of Alliance efforts on the ground.

Where would we find the resources to do the work:

The Taskforce, the Conference Committee, ATJ Board members and Alliance members would help identify and recruit social service providers, potential allies, and Alliance members and advocates to speak to the Board, recruit for the conference or become connected to the work.
Civil Legal Needs Work Group
Charter and Membership

(Adopted by WSBA Board of Governors March 18, 2011)

The 2003 Washington State Civil Legal Needs Study found that low-income people face more than 85% of their legal problems without any assistance from an attorney. Findings were similar for those with moderate income. To address the unmet civil legal needs of the low and moderate income populations, within the State of Washington, a Work Group will be appointed. The Work Group will solicit and review all ideas and proposals for expanding civil legal assistance to these low and moderate income populations and make appropriate recommendations to the Washington State Supreme Court and the Washington State Bar Association for expanding civil legal assistance. This effort is not a re-examination of the Access to Justice Board’s 2006 State Plan and its implementation by qualified legal aid providers and the many volunteer legal services programs throughout the state. Nor is it a critique of their services. Instead, the focus of the Work Group will be on other approaches which may include disseminating legal information, expanding use of understandable legal forms, providing legal advice, conducting legal research, and/or undertaking representation of eligible clients currently not provided by those entities. The primary focus of the Work Group should be to address issues relating to representation.

The Chair of the Work Group will make an informational interim report to the Washington State Bar Association Board of Governors and the Washington State Access to Justice Board within six months of appointment and a second interim report, for information and comment, within the following six months. Thirty days after disseminating the second interim report for review and comments, the final report with recommendations shall be prepared and submitted to the Washington Supreme Court and the Washington State Bar Association Board of Governors for consideration and action. Copies of the final report and recommendations will be submitted to the Washington State Access to Justice Board and all other interested stakeholder groups.

In addition to a Chair, membership on the Work Group will include:

WSBA Board of Governors 2 members
Access to Justice Board 1 member
Practice of Law Board 1 member
Limited Practice Officer Board 1 member
Family Law Section 1 member
Real Property Probate and Trust 1 member
WA Young Lawyer Division 1 member
Elder Law Section 1 member
Office of the Attorney General 1 member
Administrative Law Judge 1 member
Superior Court Judges Association 1 member
District and Municipal Court Judges Association 1 member
American Immigration Lawyers Association, Washington Chapter 1 member
Administrative Office of the Courts 1 member

And in the discretion of the Chair of the Work Group, up to two more members to be appointed by the WSBA Board of Governors.
Access to Justice Orientation
2011

Agenda

I. Washington State Access to Justice Board (ATJ Board)

II. Legal Foundation of Washington

III. Washington State Alliance for Equal Justice

IV. Structure and Funding of Civil Legal Aid in Washington State

V. Current Issues
   a. Racial Justice
   b. Justice System Barriers
   c. Delivery System Improvements
   d. Leadership Development
   e. ATJ Conference

Presenters:

Hon. Steven C. González, Chair, Access to Justice Board
Joan Fairbanks, Staff Director, Access to Justice Board
Caitlin Davis Carlson, Executive Director, Legal Foundation of Washington
César Torres, Executive Director, Northwest Justice Project
John Midgley, Executive Director, Columbia Legal Services
Threesa Milligan, King County Bar Foundation Pro Bono Services
July 19, 2010

Chief Justice Barbara A. Madsen
Washington Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

RE: FY11 ATJ Board Funds from the Supreme Court

Dear Chief Justice Madsen:

This letter concerns the Access to Justice (ATJ) Board’s recommendations for expending the second $50,000 of the $100,000 for the 2009-2011 biennium awarded by the Supreme Court.

At its annual retreat on April 30, 2010 and in two subsequent special meetings, the ATJ Board reviewed the status of its FY10 priorities, developed its FY11 priorities, and made preliminary decisions regarding the expenditure of FY11 funds from the Supreme Court. A final report on the projects funded in FY10 will be sent under separate cover.

The ATJ Board agreed on a set of priorities for the coming 12 months which address current and ongoing initiatives, and which are consistent with the goals of the ATJ Board’s State Plan. These priorities include: (1) strengthening the pro bono function of the civil legal aid delivery system; (2) addressing issues facing pro se individuals in the justice system; (3) securing ample funding for civil legal aid and the courts; (4) using and integrating technology in the work of the ATJ Board and its committees consistent with the ATJ Technology Principles; and (5) leadership development.

The ATJ Board proposes to allocate $30,000 of its FY11 Supreme Court funds to support two of its priorities, as described below. The ATJ Board proposes to keep $20,000 in reserve until October 2010 when its priorities are further developed.

• The Board will allocate $25,000 to continue the development of the ATJ Board/Administrative Office of the Courts/Office of Administrative Hearings Pro Se Project.

• The ATJ Board approved $5,000 toward the $15,000 cost of the design phase of a new Leadership Development Initiative. The ATJ Board will make a formal request of the Office of Civil Legal Aid for the remaining $10,000. Leadership development was identified as a key statewide support function in the ATJ Board’s State Plan, and assigned to the ATJ Board in the 2008 State Plan Implementation Update Report. The ATJ Board has selected a Boston-based vendor, the Center for Legal Aid Education (CLAE), that has agreed to complete the design phase separately so that the ATJ Board and the Court can determine whether to continue their support of the project.

Although implementation of the ATJ Board’s State Plan continues to be a high priority, many of the recommendations in the August 2008 State Plan Implementation Update Report were contingent on securing additional state funding. Until the economic picture improves, the ATJ Board will continue, with the help of the Supreme Court and the Washington State Bar Association, to implement aspects of the State Plan which can be supported with resources available to the ATJ Board or which do not require additional funding.
In that respect, the ATJ Board is grateful to the Court for its financial support, particularly when the Court itself continues to cope with budget shortfalls.

Please contact me if you have questions or concerns, or if you would like more detailed information about the Board’s initiatives.

Thank you.

Sincerely,

Judge Steven C. González, Chair
Access to Justice Board

Cc: Jeff Hall, Administrator of the Courts
Ramsey Radwan, AOC Management Services Division Director
Salvador Mungia, President, Washington State Bar Association
Paula Littlewood, WSBA Executive Director
Steve Larsen, WSBA Deputy Director for External Relations
Julie Mass, WSBA Chief Financial Officer
Access to Justice Board
October 25, 2010

Honorable Steven C. González, Chair
Access to Justice Board
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

RE: Fiscal Year 2011 Access to Justice Board Budget

Dear Judge González:

Our state is facing an unparalleled fiscal crisis and, as you may be aware, the Economic and Revenue Forecast Council has projected a significant cash deficit in the state general fund. The projected deficit triggered implementation of a statutory provision requiring Governor Gregoire to issue an executive order that institutes an across-the-board 6.3 percent reduction in state general fund allocations. In September, I sent the governor a letter expressing our continued commitment to work with the executive branch during this crisis, while at the same time reinforcing the concept of judicial branch independence with regard to executive action.

All state judicial branch agencies, including the Supreme Court, recently concluded an exercise whereby those activities absolutely necessary for performance of core constitutional functions were identified. Funds budgeted for those core functions were subtracted from the total budget amount, resulting in a base figure from which reductions may be taken without impairing the ability of judicial branch entities to carry out constitutionally mandated functions. Each agency then applied the 6.3 percent reduction to its adjusted base.

The Supreme Court has very little funding that does not directly support its constitutional functions and obligations. Therefore, while the amount reduced may appear to be small, it significantly impacts the nearly nonexistent source of funding that is not
Honorable Steven C. Gonzalez, Chair  
Access to Justice Board  
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directly associated with constitutional obligations. Accordingly, the court has decided that it will be necessary to reduce the fiscal year 2011 Access to Justice budget by $20,000.

The court fully recognizes and appreciates the extraordinary efforts made by the ATJ Board since funding was first provided in 2005. The court also very much appreciates the planning process which allowed the board to keep $20,000 in reserve while additional priorities were developed.

At this time, I do not know whether the reduction will be one-time in nature or permanent. I am, however, committed to ensuring the availability of funding for our constitutional obligations and for programs that enhance access to justice.

Sincerely,

[Signature]
Barbara A. Madsen  
Chief Justice

c: Mr. Ramsey Radwan
THE WASHINGTON STATE
PLAN FOR INTEGRATED PRO SE ASSISTANCE SERVICES
EXECUTIVE SUMMARY

I. Background

The growth in the numbers of pro se litigants has been documented in nationwide studies and Washington State is no different in regards to pro se litigants’ access to the justice system.

In May of 2009, the Access to Justice Board committed to strengthening services for pro se individuals in the civil justice system. Accordingly, the Pro Se Project was created as a collaborative effort of the ATJ Board, the Administrative Office of the Courts (AOC), and the Office of Administrative Hearings (OAH). Since its inception, members of the project have met regularly, evaluated existing efforts in our state that benefit pro se litigants, examined self-help systems in various states around the country, and consulted with national experts on pro se services—all in an effort to create this Plan for Integrated Pro Se Services.

Through this process, Pro Se Project members have become even more convinced that a coordinated and integrated court-based Self Help Center would provide enormous assistance to pro se litigants and would significantly enhance administrative efficiency for courts. By directly confronting the enormity of pro se litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

II. Overview of existing services for pro se litigants

The first task of the Pro Se Project completed an assessment of existing services for pro se litigants in our state. To this end, we reviewed a number of services as they relate to the needs of pro se litigants including existing court based self help services, court forms and information, the role of technology, court staffing, law library and public library support, case flow management, and systemic approaches. Significant findings include:

- 34 of 39 counties have courthouse facilitator programs to assist pro se litigants with family law matters, some of which charge fees for services
- Some counties have family law clinics staffed by volunteer attorneys
- Enhanced services exist for those seeking domestic violence protection orders, including dedicated kiosks with online services and additional staffing
- The Housing Justice Project exists in some counties and assists tenants responding to evictions
- Information materials vary widely county to county
- The Coordinated Legal Education Advice and Referral CLEAR telephone hotline, operated by the Northwest Justice Project, is staffed by advocates who provide low-income individuals with advice and brief service on a variety of legal matters
• The WashingtonLawHelp website, www.washingtonlawhelp.org, contains information on a number of legal topics, some of which are available in a number of languages
• Legal Voice offers free legal information online in a few selected topics
• Forms written entirely with plain language elements do not exist for most situations
• Only four technology based interactive plain language sets of forms are in use through the Washington Law Help website
• While many areas of the court system are covered in materials online, notable gaps in information exist. Information about local rules is scattered and not available in a coordinated manner
• The only online chat service is offered by the King County Law Library and the State Law Library
• County law library assistance to pro se litigants varies dramatically
• The state’s case management system does not generally meet the needs of pro se litigants with a few exceptions in some counties
• Limited English Proficiency forms and instructions are available to a limited extent on WashingtonLawHelp although the Office of Administrative Hearings (OAH) offers some information in 12 languages

In creating the 2009 Assessment of Existing Pro Se Self-Help Services for the Pro Se Project, participants concluded:

There is no statewide system developed to look at how the courts’ procedures and forms could work better for pro se litigants. While our state system has a number of elements designed to assist pro se litigants, these are fragmented, not yet coordinated, and we lack a strategy for a comprehensive expansion of services deployed in an integrated fashion.

In contrast, most states have a coordinated resourced court-based center that provides a number of mechanisms to provide pro se litigants with information and advice on how to navigate the system. There is an elaborate self-help support website, http://www.selfhelpsupport.org, which has been set up as a national clearinghouse of information on self representation maintained by the National Center for State courts and supported by the Legal Services Corporation, Pro Bono Net, the American Association of Law Libraries, and a number of other entities. We have reviewed the self help support systems in California, Minnesota, Alaska, Idaho, Arizona, and other states, all of which are model programs. Through this process, we have gained insight into the features that we believe would most benefit pro se litigants, court personnel, attorneys, and the broader community in Washington. We believe that the time has come to develop a coordinated comprehensive system to help the unrepresented in our state. Despite current economic challenges, there are steps we can take now to move this effort forward and enhance our existing services.
III. Vision/ Project Description

After much discussion and exploration of approaches to the increase of services to pro se litigants, Pro Se Project members have identified court-based justice system enhancements that would work in our state to significantly improve access to justice for pro se litigants. Because of current economic challenges, we understand that the funding of any improvement or new initiative is a challenge. Accordingly, we are proposing a phased approach, with initial system enhancements confined to the family law arena. This area was prioritized for the initial phase because family law cases comprise the majority of Superior Court civil case filings. See the Washington State Administrative Office of the Courts (2009), Superior Court Caseload Reports http://www.courts.wa.gov/caseload/?fa=caseload.display&folderID=view&fileID=dsp_caseload_sup_reportlist&freq=Annual.

We note that this phased plan requires buy-in, coordination and collaboration with OAC, which is a part of this process that has just begun. In addition, some of this work may require legislative action, which has not begun. In short, while Pro Se Project has enjoyed broad participation from the Alliance community, further cooperation and participation are key to improving access to the courts for pro se individuals.

Accordingly, the phases of the project are as follows:

**Phase 1. Creation of a Family Law Assistance Self-Help center.**

**Overview:** Phase one involves a significant expansion of the Washington Law Help website to include all family law forms and related information, written in simple plain language and set out in an easy to read and follow format. The website would include instructional video clips and other multi-media forms as well. For those who need additional assistance beyond the online information, staff support would be available through online chat services and a statewide toll-free call center. The components are described below.

**a. Use of Technology.** In our state, legal resources for pro se individuals are available from a number of sources including the websites of AOC, WashingtonLawHelp, Legal Voice, and various local court jurisdictions. The primary website for pro se resources is found at www.washingtonlawhelp.org, which was established over ten years ago by the Northwest Justice Project with support from the Legal Services Corporation. The site contains an array of information on various substantive legal areas for use by attorneys, the broader community, and pro se litigants. Staff from the Northwest Justice Project maintain the site and continue to develop the contents often in collaboration with AOC.

Expanded use of technology is a key element of the Family Law Self-Help Center. Utilizing the existing WashingtonLawHelp platform, the Center would be built to include an array of information, forms, resources, and referrals available for any type of family law matter. Eventually, online features would also allow pro se litigants to electronically file (e-file) all court documents and calendar court hearings online for a day and time convenient to all parties and
the court. As technology evolves, pro litigants may eventually be able to e-serve pleadings on parties in the lawsuit as allowed by applicable statute or rules.

b. Content of the Technology Based Family Law Self Help Center.

i. Plain Language forms.

Simple, clear, user-friendly forms written in easy-to-understand “plain language” and presented in an intuitive easy-to-navigate format and are an essential component of any online support system.

With plain language forms, users understand the content more quickly, won’t need to spend time asking for explanations, make fewer errors completing the forms, and when finished, feel that the process was fair and manageable. In turn, court personnel benefit as they will answer fewer phone calls, write fewer explanatory letters or emails, and help more people in a way that is more useful.

ii. Video clips and other multi-media forms.

When possible, short video clips and other multimedia tools such as Flash, Adobe Connect, Webinars, and Asynchronous presentations should also be available for users who learn best through watching rather than reading.

iii. Online document assembly capability

Along with a plain language format, it is preferable that the online forms in the Family Law Self Help Center eventually be “interactive” which means that the user is “interviewed” and coached on necessary information in a logical format which assembles the document along the way. This interactive form technology walks the user through the process by using a graphical interface to break up verbiage.

iv. Electronic filing or e-filing of forms and court documents

E-filing is another technology based application that is currently in use in selected court-based applications in the state.

c. Staff support for the Family Law Self Help Center

Recognizing that a number of pro se litigants will need assistance beyond the online offerings, an essential component of the Family Law Self Help Center is staff assistance and support. Accordingly, we envision a statewide toll-free telephone helpline which would be staffed by trained family law facilitators who would coach pro se litigants through the on-line system, answer questions, review documents, and refer litigants to courthouse facilitators for additional assistance. Additionally, facilitators would be available to chat online with pro se litigants navigating the website to answer questions or supply needed additional information. Through this support, facilitators could also improve the contents of the system, clarifying any information that might be confusing or not clear.
Phase 2. Integration of the Family Law Self Help Center with Existing Courthouse Facilitators.

Staff support for the Family Law Self Help Center facilitators could be placed within the existing state law librarian system, which has nine sites around the state, in addition to the State Law Library.

Because courthouse facilitators work with family law pro se litigants exclusively, they are in an optimal position to refer people to the Family Law Support Center. Ideally, a pro se litigant would be referred to WashingtonLawHelp, would take the time to use these resources to the fullest extent possible, get supplemental information from a self-help facilitator either online or through the helpline, and then if remaining questions exist, travel to the courthouse and meet with a courthouse facilitator.

A challenge inherent in the existing courthouse facilitator system is that these programs are funded in an array of mechanisms: user fees, filing fee surcharges, marriage license surcharges, small revenues from the sale of self help instruction kits, and federal child support reimbursement program pass-through funds (Title IV-D). This disparate funding has resulted in a system that is not consistent as facilitators receive differing training and support in part depending on their location and funding source. If this system is to link up with the Family Law Self Help Support Center, uniform standards, training and support are essential. Adequate funding of the onsite courthouse facilitator program is key to strengthening this component of the justice system.

Phase 3. Expansion of the Self Help Center to Other Substantive Legal Areas and Other Court Forums.

Once family law support services are in place and operating at a measurably effective and efficient level, attention should be directed to development of similar plain language interactive forms, procedures, resources and referrals to other areas of significant need including housing, consumer, education, and benefits issues. As funding becomes available, expansion of the courthouse facilitator program to include other substantive legal issues would be extremely helpful to pro se litigants with legal problems outside of the family law arena.

IV. Benefits

A comprehensive technology based online Self Help Support Center with staff assistance has tremendous benefits to pro se litigants, the court system, attorneys, and the community at large. These benefits may include:

Benefits to pro se litigants

- A better understanding of the requirements inherent in a civil justice system proceeding
- Access to information 24 hours a day, 7 days a week
- Reduced amount of time lost from work due to repeated court appearances
- More timely resolution of the matter due to less court congestion
- Less trauma for children at risk due to homelessness or family violence
- Increased trust and confidence in the court and in government as a whole

Benefits to the court system

- Reduction of inaccurate paperwork
- Improved quality of information provided by litigants; filings are legible, clear, correct and complete
- Less time spent giving procedural directions by Clerks’ office personnel
- Increase in the ability to identify conflicting orders
- Diminishment of inappropriate filings
- Minimization of unproductive court appearances
- Expedited case management and dispositions
- Increase in the court’s overall ability to handle its caseload
- Improved climate in which to conduct business
- Savings of time in overall court room management

Benefits from existing online plain language interactive forms are presently tracked in our state by the Northwest Justice Project, as it monitors the use of the four forms on Washington Law Help. Specifically, statistics have been gathered for the pro se litigants using the simple divorce form (no children). It has been determined that 80% of the pro se users earn $36k or less annually, 50% had filed legal documents before, 60% saved at least 40 minutes using the form, 75% gave more relevant information to the court using the form, and 87% were satisfied or very satisfied with the experience.

Taking this information and applying it to 87,600 filings in 2008 of cases dealing with family law, housing and wills and estates, Law Help Interactive maintains that we have an opportunity to significantly reduce costs and improve outcomes. Assuming that 7 documents are filed in each case, for a total of 612,000 documents, on average 5% of filings are rejected by clerks because of errors and 10% that reach judges are filled out poorly. If a technology based document assembly program could reduce by 5% the documents rejected at filing and reduce by 10% the amount of courtroom time judges spend reviewing documents, this would save our state court system between $765K and $2.3M each year.

The benefits of an effective pro se assistance system to all stakeholders are obvious.

V. Partners

Good partnerships are essential to establishing a successful Self Help Center. While the Self Help Center would be housed within the Administrative Office of the Courts, the system success would be dependent on active participation and support from a number of partners. We have identified the following organizations as critical to a coordinated comprehensive self help support system:

Administrative Office of the Courts, Access to Justice Board, Office of Administrative Hearings, Judicial Information Systems Committee, the Washington Pattern Forms Committee, Northwest Justice Project, NJP’s CLEAR hotline, Alliance for Equal Justice members, the library system (state, law and local), Superior Court Judges Association, Washington Association of County Clerks, Courthouse facilitators, Washington State Bar Association, the three Washington State law schools. Law students may be willing to
staff the online chat or telephone helpline and assist users in navigating the online system, Washington State Community Colleges and Community groups.

VI. Dependencies and Constraints

The following issues have been identified as potential challenges to implementation of this project.

- The current economic crisis has resulted in budgetary cut-backs across the board. Funding for any new project, at this time, is a serious challenge
- The lack of a superior court system with uniform family law operations complicates creation of a centralized comprehensive online Self Help Center, as information from all 39 counties must be included and maintained
- The existing family law court facilitator system is supported by a variety of funding mechanisms, resulting in a system that is not unified. Linkage of this system with the onsite courthouse facilitators will pose challenges given the ?????

VII. Summary

The Pro Se Project, a collaborative effort of the Washington State Access to Justice Board, the Administrative Office of the Courts, and the Office of Administrative Hearings has determined that pro se litigants in our state would benefit significantly from the creation of a technology based Self Help Center, with staff support through Self Help Facilitators. Accordingly, this Plan outlines a number of proposed components of a Self Help Center, with phase one devoted to family law services. Over time, and with additional funding, the Self Help Center would be expanded to link with the existing court-house facilitator program, and would cover all substantive legal issues and court levels. We believe the time has come for our state to create a Center. A Self Help Center would be an important step in expanding access to justice for those individuals who navigate the civil legal system on their own.

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1 The term “pro se litigant” is used throughout this document, a term we chose over other descriptors including “unrepresented litigants” and “self-represented litigants." Even though many pro se individuals would not recognize this term, it is used herein as this document is for policy makers and members of the social justice community, all of whom understand this reference to those who navigate the civil legal system on their own.

ii See Appendix I for a list of Pro Se Project participants.

iii See Appendix II.

iv In considering an approach to the expansion of pro se services, Pro Se Project member’s prioritized family law cases for the initial phase because these comprise a substantial portion of Superior court case filings. In 2009, there were 40,636 criminal filings in superior court, compared to 50,359 family law filings. Family law filings comprised 17% of all superior court filings in 2009. Also significantly, according to the Pro Se Report, pro se representation in various family law cases ranged from 46 – 95%, while civil cases such as property rights and torts ranged from 2 – 20%.
This Plan calls for the development of a robust technology-based system in Washington State to assist pro se litigants who are navigating the civil justice system on their own. The first phase of the project calls for creation of an online Self Help Center focused on family law with plain-language forms, instructions and information and housed within the existing WashingtonLawHelp website. Trained and knowledgeable Self Help Facilitators will be available to respond to online or telephone based inquiries from pro se litigants who are challenged by the online Self Help Center. The second phase of the project will link the Self Help Center with existing onsite courthouse facilitators. The final phase will expand the Self Help Center to other substantive civil legal issues as well as additional court forums. Upon completion, the Self Help Center will significantly enhance pro se litigants’ access to justice.
# PLAN FOR INTEGRATED PRO SE SERVICES

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I. Introduction

Pro se litigants in our state face significant access to justice issues. In May 2009 the Access to Justice (ATJ) Board committed to strengthening services for pro se individuals and created the Pro Se Project. A collaborative effort of the ATJ Board, the Administrative Office of the Courts (AOC), and the Office of Administrative Hearings (OAH), Pro Se Project participants developed over a nine month period this Plan for Integrated Pro Se Assistance Services.

The Plan calls for the creation of a technology based Self Help Center with staff support through Self Help Facilitators. Recognizing the current economic realities, the Plan outlines the ramp-up of the Self Help Center over three phases. The first phase would focus on family law issues, the area with the greatest number of pro se litigants, by establishing a Family Law Self Help Center. This would include the conversion of existing family law forms to a “plain language” easy-to-read and navigate format to be uploaded and available on the WashingtonLawHelp website. Washington currently has 211 family law forms and only 2 are currently in a plain language format. Recognizing that many pro se litigants would need assistance in navigating the online Self Help Center, trained and knowledgeable Self Help Facilitators would assist pro se litigants through an online chat feature or telephonically via a toll-free helpline.

Phase two would involve linkage of the Self Help Center to the existing onsite courthouse facilitator program and would be implemented as additional funding allows. The final phase would expand the Self Help Center to cover all substantive legal issues and appropriate court levels.

Pro Se Project participants offer this Plan as a blueprint to move forward with creation of a centralized and comprehensive Self Help Center—a necessary justice system component if we are to truly expand access to justice for those individuals who navigate the civil legal system on their own.

II. Background

The growth in the numbers of pro se litigants has been documented in nationwide studies. In 2001, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) identified as a priority the need for courts to design processes and create systems that work well for cases involving self-represented litigants. Prior to this, attendees at a 1999 National Conference on Public Trust and Confidence in the Courts ranked a litigant’s cost of accessing the courts as the second most pressing issue for today’s courts. At a 1996 National Conference of the Future of the Judiciary open access to the justice system was identified as one of the top five issues currently facing courts.

Washington State is no different in regards to a pro se litigants’ access to the justice system. In 2001, AOC commissioned a comprehensive study of pro se issues. See Washington State Administrative Office of the Courts (May 2002) An Analysis of Pro Se Litigants in Washington State 1995 – 2000; https://www.courts.wa.gov/wsccr/docs/Final%20Report_Pro_Se_11_01.pdf; this study found that breaking down barriers for pro se litigants to access the system decreases the use of court resources. In 2003, The Task Force on Civil Equal Justice Funding issued the
State Civil Legal Needs Study, a comprehensive report on the civil legal needs of low income people in our state. The study confirmed that in excess of 85% of low income people in Washington do not receive legal assistance for basic legal problems. Instead, they are left to their own devices and many handle a legal matter pro se. Without adequate information and preparation, results are often unsuccessful and sometimes disastrous. Subsequently, The 2006 Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (the State Plan) noted the difficulty that pro se litigants experience and called for "improving access to civil legal aid for all low income people". To this end, the State Plan provides that efforts must be undertaken to develop statewide access systems to ensure that no group, including pro se litigants, is systemically denied access to essential civil legal aid services. See the State Plan at http://www.wsba.org/atj/documents/2006stateplan.pdf.

After consideration of these issues, in May 2009 the ATJ Board authorized creation of the Pro Se Project in partnership with AOC and OAH. Since its inception, members of the project have met regularly, evaluated existing efforts in our state that benefit pro se litigants, examined self-help systems in various states around the country, and consulted with national experts on pro se services—all in an effort to create this Plan for Integrated Pro Se Services.

Through this process, Pro Se Project members have become even more convinced that a coordinated and integrated court-based Self Help Center would provide great assistance to pro se litigants and would significantly enhance administrative efficiency for courts. By directly confronting the enormity of pro se litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

III. Overview of existing services for pro se litigants

The first task of the Pro Se Project was to complete an assessment of existing services for pro se litigants in our state. To this end, we reviewed a number of services as they relate to the needs of pro se litigants including existing court based self help services, court forms and information, the role of technology, court staffing, law library and public library support, case flow management, and systemic approaches. The 2009 Pro Se Project Baseline Assessment was created, which includes the following significant findings:

- 34 of 39 counties have courthouse facilitator programs to assist pro se litigants with family law matters, some of which charge fees for services
- Some counties have family law clinics staffed by volunteer attorneys
- Enhanced services exist for those seeking domestic violence protection orders, including dedicated kiosks with online services and additional staffing
- The Housing Justice Project exists in some counties and assists tenants responding to evictions
- Information materials vary widely county to county
- The Coordinated Legal Education Advice and Referral (CLEAR) telephone hotline, operated by the Northwest Justice Project, is staffed by advocates who provide low-income individuals with advice and brief service on a variety of legal matters
- The WashingtonLawHelp website, www.washingtonlawhelp.org, contains information on a number of legal topics, some of which are available in a number of languages
- Legal Voice offers free legal information online in a few selected topics
• Forms written entirely with plain language elements do not exist for most situations
• Only four technology based interactive plain language sets of forms are in use through the Washington Law Help website
• While many areas of the court system are covered in materials online, notable gaps in information exist. Information about local rules is scattered and not available in a coordinated manner
• The only online chat service is offered by the King County Law Library and the State Law Library
• County law library assistance to pro se litigants varies dramatically
• The state’s case management system does not generally meet the needs of pro se litigants with a few exceptions in some counties
• For litigants with limited English proficiency, some translated forms, instructions, and informational documents are available on WashingtonLawHelp and on the Washington Court’s website, www.courts.wa.gov/forms. The Office of Administrative Hearings (OAH) offers some information in 12 languages for those involved in an administrative hearing

In creating the Pro Se Project Baseline Assessment, participants essentially concluded that there is no statewide system developed to look at how the courts' procedures and forms could work better for pro se litigants. While our state system has a number of elements designed to assist pro se litigants, these are fragmented, not yet coordinated, and we lack a strategy for a comprehensive expansion of services deployed in an integrated fashion.

In contrast, most states have a coordinated resourced court-based center that provides a number of mechanisms to provide pro se litigants with information and advice on how to navigate the system. There is an elaborate self help support website, http://www.selfhelpsupport.org, which has been set up as a national clearinghouse of information on self representation maintained by the National Center for State courts and supported by the Legal Services Corporation, Pro Bono Net, the American Association of Law Libraries, and a number of other entities. We have reviewed self help support systems around the country and in particular, we focused on California, Minnesota, Alaska, Idaho, and Arizona which are model programs. Through this process, we have gained insight into the features that we believe would most benefit pro se litigants, court personnel, attorneys, and the broader community in Washington. We believe that the time has come to develop a coordinated comprehensive system to help the unrepresented in our state. Despite current economic challenges, there are steps we can take now to move this effort forward and enhance our existing services.

IV. Vision/Project Description

After much discussion and exploration of approaches to the increase of services to pro se litigants, Pro Se Project members have identified several court-based justice system enhancements that would work in our state to significantly improve access to justice for pro se litigants. Because of current economic challenges, we understand that the funding of any improvement or new initiative is a challenge. Accordingly, we are proposing a phased approach, with initial system enhancements confined to the family law arena. This area was
prioritized for the initial phase because family law cases comprise the majority of Superior Court civil case filings \(^v\). See the Washington State Administrative Office of the Courts (2009), *Superior Court Caseload Reports* http://www.courts.wa.gov/caseload/?fa=caseload.display&folderID=view&fileID=dsp_caseload_sup_reportlist&freq=Annual.

We note that this phased plan requires support, coordination and collaboration with a number of partners and especially AOC. Some of this work may also require legislative action. Broad cooperation and participation are key to improving access to the courts for pro se individuals.

The phases of the project are as follows:

**Phase 1. Creation of a Family Law Assistance Self Help Center.**

**Overview:** Phase one involves a significant expansion of the Washington Law Help website to include all family law forms and related information, written in simple plain language and set out in an easy to read and follow format. The website would include instructional video clips and other multi-media forms as well. For those who need additional assistance beyond the online information, staff support by Self Help Facilitators would be available through online chat services and a statewide toll-free call center. The components are described below.

a. **Use of Technology.** In our state, legal resources for pro se individuals are available from a number of sources including the websites of AOC, WashingtonLawHelp, Legal Voice, and various local court jurisdictions. The primary website for pro se resources is found at www.washingtonlawhelp.org which was established over ten years ago by the Northwest Justice Project with support from the Legal Services Corporation. The site contains an array of information on various substantive legal areas, for use by attorneys, the broader community, and pro se litigants. Staff from the Northwest Justice Project maintain the site, and continue to develop the contents often in collaboration with AOC.

Expanded use of technology is a key element of the Family Law Self Help Center. Utilizing the existing WashingtonLawHelp platform, the Center would be built to include an array of information, forms, resources, and referrals available for any type of family law matter. Eventually, online features would also allow pro se litigants to electronically file (e-file) all court documents and calendar court hearings online for a day and time convenient to all parties and the court. As technology evolves, pro se litigants may eventually be able to e-serve pleadings on parties in the lawsuit as allowed by applicable statute or rules.

As an example of the features of the Family Law Self Help Center, a pro se litigant seeking a family law parenting plan would enter the washingtonlawhelp.org website, see an icon associated with family law cases, enter this portal and then be directed to a section on parenting plans. The website would coach the user through information on all aspects of securing a parenting plan. Available information would include everything necessary to complete and file a petition with the applicable county-specific court, including:

- forms in simple plain language with an easy-to-use fill in the blank format
- an outline of additional necessary steps in the process
Technology and the use of social media are increasingly prevalent in our society. According to a 2010 study of the Pew Research Center, as government agencies at all levels bring their services online, Americans are turning in large numbers to government websites to access information and services. (Pew Research Center (April 27, 2010). Government Online, see http://pewinternet.org/Reports/2010/Government-Online.aspx.) Fully 82% of internet users, representing 61% of all American adults, looked for information or completed a transaction on a government website in 2009. Increasingly, people rely on technology for basic information and have ready access to a computer.

Because the use of technology is so widespread in our society, we expect that many pro se litigants would welcome an online Family Law Self Help Center that they could access from home at any point that is convenient. If there is no availability of a home computer, computers are now found in a multitude of community locations including libraries, community centers, county and city buildings, domestic violence shelters, community computing centers, and other public gathering places. We are aware of efforts underway to secure funding for extensive broad-band expansion to remote areas of our state. We support this effort and believe that this technology based Self Help Center is just the type of computer application that will be of significant benefit to underserved populations across the state.

Because Washington State Superior Courts do not utilize family law operations in a unified manner, all 39 counties have different local rules and procedures (with the exception of the domestic violence forms which are mandatory.) There is no centralized web portal that contains relevant forms, instructions, rules and procedures for all 39 counties. The Family Law Self Help Center housed on WashingtonLawHelp could provide this comprehensive information center to benefit pro se litigants as well as practicing attorneys, court personnel in all jurisdictions, and community members.

b. Content of the Technology Based Family Law Self Help Center

i. Plain Language forms

Simple, clear, user-friendly forms written in easy-to-understand “plain language” and presented in an intuitive easy-to-navigate format are an essential component of any online support system. A National Assessment of Literacy survey conducted in 2003 found that 43% of the population is at or below basic literacy levels which means that 43% of our population reads at or below a 4th grade level. Plain language forms are written so they are understandable and easy to complete by someone in this demographic.
With plain language forms, users understand the content more quickly, don’t need to spend time asking for explanations, make fewer errors completing the forms, and when finished, feel that the process was fair and manageable. In turn, court personnel benefit as they answer fewer phone calls, write fewer explanatory letters or emails, and help more people in a way that is more useful. Good forms educate litigants about the law and help them better present their cases, better inform other parties of claims and issues, give the court good information on which to base their decisions, and lead to decisions and orders that are more specific, thus easier to comply with and to enforce.

Members of the Pro Se Project attempted to convert two forms to plain language format and quickly realized that this requires both a specific skill set, coordination of all the forms, and an extensive time commitment. While we initially thought that this work could be done by volunteer committee members, we concluded that it makes sense to have dedicated staff to develop these forms so that the forms are coordinated, consistent and comprehensive. We spoke to a consultant, Maria Mindlin with Transcend®, a California based company specializing in plain language communication, who has worked with a number of states on form conversion efforts and is well respected in the legal community. We talked to her about the idea of converting the existing 211 family law forms used in Washington state courts today into plain language and concluded that it made the most sense to hire a qualified professional for the express purpose of re-writing the 211 family law forms into plain language.

The Washing Pattern Forms Committee is charged with promulgating forms for standardized use in the courts. Collaboration with the Pattern Forms Committee is essential as we work to craft a wholesale conversion of the 211 family law forms into a plain language format. Once the forms are converted, the Forms Committee will promulgate these for use state-wide. An outreach effort should be implemented at this juncture to urge all 39 court systems to use these, for consistency purposes and as a benefit to pro se litigants.

ii. Video clips and other multi-media forms

When possible, short video clips and other multimedia tools such as Flash, Adobe Connect, Webinars, and Asynchronous presentations should also be available for users who learn best through watching rather than reading. Efforts in this regard are underway. The Office of Administrative Hearings is presently creating some multimedia presentations to help pro se individuals with regards to administrative hearings. In addition, some Washington state counties have created video clips of court proceedings (see Spokane County’s video clip of a dissolution proceeding, http://www.spokanecounty.org/video/default.aspx?c=2520), however these are not shared or coordinated in any meaningful way. The Administrative Office of the Courts is now using online training resources such as Webinars. Expansion of this new on-line technology can be utilized to create a library of asynchronous trainings on a myriad of short subjects.

iii. Online document assembly capability

Along with a plain language format, it is preferable that the online forms in the Family Law Self Help Center eventually be "interactive" which means that the user is “interviewed" and coached on necessary information in a logical format that assembles the document along the way. This
interactive form technology walks the user through the process by using a graphical interface to break up verbiage. Users are able to preserve their information which will automatically populate the next form if the same information is called for. Many people are familiar with the Turbo Tax® system that uses interactive forms to secure necessary information but in an easy-to-use format. This interactive format is becoming more prevalent in on-line usage and could significantly benefit pro se users. Interactive forms are currently in use as described below.

Pierce County has implemented an “interactive” custom application as part of their case management system, accessed through several web-based kiosks located around the county to help litigants complete domestic violence related forms. The kiosk application walks through the domestic violence form with the litigant and upon completion and validation is automatically submitted into the Pierce County LINX case management system.

The Northwest Justice Project, through a Legal Services Corporation Technology Information Systems grant, and in collaboration with the Administrative Office of the Courts and the Washington Pattern Forms Committee, developed two online interactive plain language interviews: one assembles the forms pro se litigants need to file for and complete a simple divorce, and the other does this regarding a domestic violence protection order. These are available on the WashingtonLawHelp website. NJP has received very positive feedback from users with regards to the user-friendly interviews and resulting forms assembly.

We understand that the conversion of forms to an interactive format is a significant expense. A determination should be made as to whether the resources and expenses inherent in making the plain language forms interactive would be worthwhile; an evaluation of the plain language family law forms should be conducted to assess whether the added interactive format is even necessary. Alternatively, as additional resources become available, another approach would be to make select forms interactive as this format can greatly benefit pro se litigants through ease of usage and time savings.

iv. Electronic filing or e-filing of forms and court documents

E-filing is another technology based application that is currently in use in selected court-based applications in the state. Specifically, the Chelan County Clerk has developed online forms for some family law matters. The website of the Chelan County court facilitator states:

Electronic filing: You can now download your personalized forms (names of the parties, dates of birth, addresses, etc. already merged into each form) for either dissolution, legal separation, modification of parenting plans or modification of child support on line. For $55.00 you will get all the forms you need for your action, from beginning to end and one session with the court facilitator for review of you documents. You download and save all the documents to your personal computer, complete, have them reviewed and file them on line. If you want to file electronically go to www.e-filing.com Create a user name and password and start downloading.

Additionally, the Pierce County domestic violence forms can be electronically filed; in 2008, almost half of the domestic violence filings were filed electronically. This system has saved
users tremendous amounts of time as documents can be filed from any computer at any time. Users no longer have to travel into a courthouse to access the system.

As additional uses of this service are utilized by local court jurisdictions, we expect that challenges in the system will be remedied and the benefits to all parties will become more evident. Once funding becomes available for a module that allows e-filing of family law forms, we would urge that this be integrated into the Family Law Self Help Center.

c. Staff Support for the Family Law Self Help Center

Recognizing that a number of pro se litigants will need assistance beyond the online offerings, an essential component of the Family Law Self Help Center is staff assistance and support. Accordingly, we envision a statewide toll-free telephone helpline that would be staffed by trained Self Help Facilitators who would coach pro se litigants through the on-line system, answer questions, review documents, and refer litigants to courthouse facilitators for additional assistance. Additionally, facilitators would be available to chat online with pro se litigants navigating the website to answer questions or supply needed additional information. Through this support, facilitators could also improve the contents of the system, clarifying any information that might be confusing or not clear.

Currently, the King County Law Library and the State Law Library work together to host an online chat line called “Ask a Librarian”. One library system is responsible for fielding questions in the morning and the other handles questions in the afternoon. One possible approach to creating a staffed component of the Self Help Center would involve expansion of the existing state law librarian system. With additional funding, Self Help Facilitator staff could be added to the existing law librarian system to enhance the existing online chat system and implement a telephone based helpline. Law libraries with existing staff include Spokane, Clark, Snohomish, Whatcom, Kitsap, Pierce and Clallam counties. These offices would all be potential work sites for a Self Help Facilitator if funding permits.

As law librarians are located in county courthouses, they could easily coordinate with local family law court facilitators, clerks and judges, especially for walk-in pro se litigants. They could also track questions by users and modify the system as needed to clarify and eliminate confusing information and instructions. In addition, they would need to determine a system to respond to inquiries from pro se litigants in other counties but we are confident this could be developed.

Volunteer attorneys, and perhaps law students, could be recruited to assist Self Help Facilitators with inquiries from pro se litigants who are either online or on the telephone. With all relevant family law information—forms, instructions, rules, and procedures—online, and with some minimal training, even novice attorneys should be able to help a pro se litigant move forward in a case.

In summary, phase 1 of expanded pro se services would include development of a technology based Family Law Self Help Center including comprehensive and coordinated family law forms, instructions, procedures, referrals and resources, all in a plain-language format, available
through WashingtonLawHelp. Staff assistance would be available for those with difficulty understanding or accessing the online system, perhaps through the expansion of the state law librarian system, through the creation of a toll-free helpline or an online chat feature.

**Phase 2. Integration of the Family Law Self Help Center with Existing Onsite Courthouse Facilitators.**

Because onsite courthouse facilitators work with family law pro se litigants exclusively, they are in an optimal position to refer people to the Family Law Support Center. Ideally a pro se litigant would be referred to WashingtonLawHelp, would take the time to use these resources to the fullest extent possible, get supplemental information from a Self Help Facilitator either online or through the helpline, and then if remaining questions exist, travel to the courthouse and meet with a courthouse facilitator.

If and when additional funding becomes available, it is recommended that the Self Help Facilitators explore ways to link services more closely with the onsite courthouse facilitators who also work in the family law arena. For example, a Self Help Facilitator could be placed in-house (beyond the law library counties) in some select on-site courthouse facilitator offices around the state to provide assistance to walk-in pro se litigants who may be challenged in navigating the online Self Help Center forms and procedures. If a pro se litigant receives initial assistance in completing required forms, this will allow the onsite courthouse facilitators to provide a deeper level of service to pro se individuals.

Some pro se litigants will not be able to use a computer, or will not be comfortable with the technology, so will need to consult with an on-site facilitator. Self Help Facilitators can make referrals to the courthouse facilitators for those who need in-person assistance or require a deeper level of help with more complicated questions.

A challenge inherent in the existing courthouse facilitator system is that these programs are funded in an array of mechanisms: user fees, filing fee surcharges, marriage license surcharges, small revenues from the sale of self help instruction kits, and federal child support reimbursement program pass-through funds (Title IV-D). This disparate funding has resulted in a system that is not consistent as facilitators receive differing training and support in part depending on their location and funding source. If this system is to link up with the Family Law Self Help Support Center, uniform standards, training and support would be essential. Adequate funding of the onsite courthouse facilitator program is key to strengthening this component of the justice system.

**Phase 3. Expansion of the Self Help Center to Other Substantive Legal Areas and Other Court Forums.**

Once family law support services are in place and operating at a measurably effective and efficient level, attention should be directed to development of similar plain language interactive forms, procedures, resources and referrals to other areas of significant need including housing, consumer, education, and benefits issues. As funding becomes available, expansion of the
courthouse facilitator program to include other substantive legal issues would be extremely helpful to pro se litigants with legal problems outside of the family law arena.

Additionally, the online Self Help Center should be expanded to include information relating to issues that arise at the small claims, municipal, district court, Court of Appeals, and Supreme Court levels. Finally, we are well aware that over 90% of individuals involved in the administrative law arena are pro se. The Office of Administrative Hearings is developing instructions and video clips to aid pro se individuals in handling their own case. As funding becomes available, collaboration and support for additional effort in this area is essential.

Once all of the phases of this project ramp-up are complete, Washington state would have a cohesive and comprehensive user-friendly technology based online system available on-line through WashingtonLawHelp which would assist any pro se litigant with any existing legal issue, at any state court level, supplemented by staff assistance strategically deployed. This system would be supported by the Administrative Office of the Court and integrated into the overall civil justice system.

While some pro se litigants may be able to successfully maneuver within this system to the conclusion of their case, others will need varying levels of assistance depending on the complexity of their problem. Some pro se litigants will successfully benefit from a telephone conversation or an online chat from a helpline facilitator, while others will need to be directed to an onsite courthouse facilitator for additional assistance. Many will need representation either from a volunteer attorney or a legal aid attorney. But in most cases, the pro se litigant who initially accesses the self help support information will be better informed about the process, making any subsequent assistance more efficient and effective.

V. Benefits

A comprehensive technology based online Self Help Support Center with staff assistance has tremendous benefits to pro se litigants, the court system, attorneys, and the community at large. These benefits may include:

Benefits to pro se litigants

- A better understanding of the requirements inherent in a civil justice system proceeding
- Access to user-friendly information 24 hours a day, 7 days a week
- Reduced amount of time lost from work due to repeated court appearances
- More timely resolution of the matter due to less court congestion
- Increased trust and confidence in the court and in government as a whole

Benefits to the court system

- Reduction of inaccurate paperwork and inappropriate filings
- Improved quality of information provided by litigants; filings are legible, clear, correct and complete
- Less time spent giving procedural directions by Clerks’ office personnel
- Increase in the ability to identify conflicting orders
- Minimization of unproductive court appearances
- Expedited case management and dispositions
- Increase in the court’s overall ability to handle its caseload
- Improved climate in which to conduct business
- Savings of time in overall court room management

Benefits to attorneys
- Ease of filing and tracking cases
- Court appearances are scheduled and matters are heard as scheduled
- Court documents are speedily transmitted
- Assistance with unfamiliar areas of law through online information
- Opposing pro se adversaries are more prepared and knowledgeable about the system

Benefits from existing online plain language interactive forms are tracked in our state by the Northwest Justice Project, as it monitors the use of the four forms on WashingtonLawHelp. Specifically, statistics have been gathered for the pro se litigants using the simple divorce form (no children). It has been determined that 80% of the pro se users earn $36k or less annually, 50% had filed legal documents before, 60% saved at least 40 minutes using the form, 75% gave more relevant information to the court using the form, and 87% were satisfied or very satisfied with the experience.

Taking this information and applying it to 87,600 filings in 2008 of cases dealing with family law, housing and wills and estates, Law Help Interactive maintains that we have an opportunity to significantly reduce costs and improve outcomes. Assuming that 7 documents are filed in each case, for a total of 612,000 documents, on average 5% of filings are rejected by clerks because of errors and 10% that reach judges are filled out poorly. If a technology based document assembly program could reduce by 5% the documents rejected at filing and reduce by 10% the amount of courtroom time judges spend reviewing documents, this would save our state court system between $765K and $2.3M each year. vi

The Pierce County LINX system has implemented a system where litigants can apply for domestic violence protection orders from kiosks that are placed strategically throughout the county. Pro se litigants has responded well to this system; in 2009, there were over 4500 filings for protection orders and of this number, over 2500 were done electronically, at the kiosks, by pro se litigants.

It is well demonstrated that an effective pro se assistance system benefits all stakeholders; our state is in need of an integrated comprehensive user-friendly online system with staff support.

VI. Support Center Creation and Implementation Recommendations

Pro Se Project members have identified a number of recommendations that would move the Self Help Support Center concept towards implementation.

Recommendation I: Creation of a Family Law Self Help Center

To increase access to justice for the public in general, and pro se litigants with family law cases in particular, and to expedite the processing of cases by courts, a staffed Family Law Self Help Support Center should be developed.
1. A. SELF-HELP SERVICES ARE A CORE FUNCTION OF THE TRIAL COURTS AND AS SUCH SHOULD BE CONSISTENTLY FUNDED IN THE BUDGETARY PROCESS

   1. AOC budget request forms should reflect these services as a core function.

   2. Effective self help services for pro se litigants should be budgeted consistently.

   3. Key stakeholders including the Access to Justice Board and the Office of Administrative Hearings should support any legislative funding request.

1. B. ALL FAMILY LAW FORMS SHOULD BE CONVERTED TO A PLAIN-LANGUAGE FORMAT AND UTILIZED BY COURTS ACROSS THE STATE

   1. Key partners would develop a plan to obtain buy-in for plain language forms from stakeholders, which would include identifying the advantages for all stakeholders in utilization of the plain language forms

   2. The Washington Pattern Forms Committee would be enlisted to assist with development and promulgation of the plain language forms across the state.

   3. Funding should be sought to convert over 200 Washington State family law forms to a plain language format to ensure ease of access to pro se litigants.

   4. A contractor would be hired to convert all of these forms into a cohesive, consistent, and comprehensive plain language format.

   5. Key partners would assist with creation of focus groups to test the usage of the forms.

   6. Once the forms were adopted, they would be uploaded to the WashingtonLawHelp Family Law Self Help Center, as well as posted on the courts’ web site.

   7. Key partners would develop a marketing and outreach plan to publicize the existence of these forms to court systems across the state and to identify the advantages of utilizing plain language forms.

I. C. AS THE COURTS MOVE TOWARDS THE PROCUREMENT OF NEW CASE-MANAGEMENT SYSTEMS, COMPATIBILITY WITH AN ONLINE SELF HELP CENTER IS ESSENTIAL

Procurement of any new court case management systems by the Courts should provide a level of integration that will allow information or data to be exchanged and/or shared seamlessly.

   1. As the Judicial Information Systems Committee moves to secure a new case management system, efforts should be made to procure a system that is compatible with various self help applications such as e-filing and e-service.
1. D. A TECHNOLOGY BASED ONLINE FAMILY LAW SELF HELP CENTER SHOULD BE DEVELOPED AS AN EFFICIENT AND EFFECTIVE WAY TO INCREASE ACCESS TO THE COURTS AND IMPROVE THE DELIVERY OF JUSTICE TO THE PUBLIC

1. An Online Family Law Self Help Center, as part of WashingtonLawHelp, should be developed to:

- Offer an array of services designed to assist the public and the court in the processing of family law cases involving pro se litigants
- Increase availability of the plain language family law forms to pro se litigants
- Consider the use of interactive document assembly features so that the plain language forms and instructions are set out in an easy-to-read and understandable format
- Include short videos in English and Spanish to explain basic court procedures and processes
- Provide materials in different languages
- Make information available to litigants about how to get help with other substantive legal areas, and with other court levels

2. Existing self-help resources should be coordinated, centralized, and integrated into the Self Help Center.

3. Serve as a single point of contact for all county court systems with respect to family law forms, instructions, rules and procedures.

I. E. STAFFING ASSISTANCE SHOULD BE MADE AVAILABLE AS AN ADJUNCT TO THE ONLINE FAMILY LAW SELF HELP CENTER.

1. Family Law Self Help Facilitators should be hired and trained to assist pro se litigants who need assistance navigating the online family law self help center. The online system should be constructed to include an Online Chat feature, expanding upon that of the King County and State Law librarians, which would be staffed by Self-Help Facilitators.

2. A statewide toll-free helpline should be established to provide a mechanism where pro se litigants can telephone for assistance. This service would also be staffed by the Self Help Facilitators.

4. The Self Help Facilitators would establish collaborative relationships with existing on-site courthouse facilitators, pro bono programs, law libraries, and legal aid programs to ensure that the pro se litigants receive the optimum degree of assistance.

1. F. CREATE EVALUATIVE TOOLS TO MEASURE SYSTEM EFFECTIVENESS

1. Create benchmarks or periodic success measurements

2. Develop and implement evaluative measures for pro se users
3. Develop data-tracking systems which measure usage and success by pro se litigants

4. Regularly assess the effectiveness of components of the Self Help Center

2. A. INTEGRATE THE ONLINE FAMILY LAW SELF HELP CENTER WITH EXISTING COURTHOUSE BASED FAMILY LAW COORDINATORS

1. Select several counties with onsite courthouse facilitators to participate in a pilot program to develop ways to link and coordinate services with the Self Help facilitator services

2. Monitor and measure the coordination of these two facilitator programs in terms of services to pro se litigants

3. Develop and implement standardized training and support for all participating Self Help and onsite family law facilitators

3. As additional funding becomes available, expand and integrate the Self Help Facilitators into the Onsite Courthouse Facilitator system

3. A. EXPAND THE SELF HELP CENTER TO ADDITIONAL SUBSTANTIVE AREAS AND COURT LEVELS

1. As local jurisdictions and other tribunals, including the Office of Administrative Hearings, develop self help tools, upload these to the WashingtonLawHelp Self Help Center.

2. As funding becomes available, expand the Self Help Facilitator program to provide assistance to pro se litigants in additional substantive areas.

3. As funding and resources allow, expand the onsite courthouse facilitator program to additional substantive legal areas.

4. Provide on-going training and support to the integrated Self Help and onsite courthouse facilitator program.

VII. Potential next steps

I. The next immediate step is outreach and marketing of this vision. Partnership and collaboration are essential to the success of this effort. Building partnerships is critical. The Pro Se Project will send this Plan to all possible stakeholders and invite their endorsement and participation in moving this effort forward. To this end, a work group has been formed and plans to meet with the Family and Juvenile sub-committee of the Board for Judicial Administration (BJA), the full BJA Committee, the WSBA Family Law Section, and the state Supreme Court to discuss the Plan and invite suggestions on how best to proceed. This work will occur from July 1st through October, 2010.
II. The ATJ Board, through a Pro Se Project forms work group, will look for funding to convert over 211 existing family law forms in our state to a plain language format. Concurrent with this, key partners including the Washington State Pattern Forms Committee and the Washington State Bar Association Family Law Section will be invited to help develop an agreed-upon approach to conversion of all the forms, as there are a number of templates that exist for plain language forms. Collaboration on this is essential as we want to ensure that the forms are widely accepted and used by courts, attorneys, and pro se litigants.

III. The ATJ Board, through a new Pro Se Project work group to be established in the fall of 2010, will work to develop a funding package for submission to AOC by March 2011. This funding package would include a budgetary projection for all components of the first phase of the Self Help Center. If this detailed funding analysis is submitted to AOC by March, the agency will consider it as a part of the overall funding package which will be submitted to the legislature for the January 2012 session.

IV. Within the boundaries of existing funding, AOC agrees to determine a management model which will best serve this Self Help Center program. Components of this may include creation of a Self Help Center Advisory Board which would assist with developing the full design of the Self Help Center.

V. The Office of Administrative Hearings continues to work on development of self-help resources applicable to the administrative hearing arena.

VIII. Partners

Good partnerships are essential to establishing a successful Self Help Center. We have identified the following organizations as critical to a coordinated comprehensive self help support system.

Administrative Office of the Courts: would manage the Self Help Center and provide administrative oversight and funding

The Access to Justice Board: in the start-up phase, would promote the Pro Se Plan to stakeholders across the state; work to convert existing family law forms into a plain language format; and will help develop a funding package for the first phase of the Self Help Center, to be presented to AOC in March, 2011

Office of Administrative Hearings: oversees the vast majority of administrative tribunals in our state. Over 90% of administrative hearings involve a pro se litigant. OAH is presently working to develop video clip informational segments on various aspects of the hearing process. All of these should be featured within the online Self Help Center, either directly or as a link to the OAH website location

Judicial Information Systems Committee: a governance body that determines the work that AOC’s Information Technology staff will address. This presently includes the selection of the technology based Case Management system that could host additional modules compatible with an online self help system
The Washington Pattern Forms Committee: develops and maintains forms for uniform use around the state and is a key partner in development and maintenance of the plain language family law forms, as well as adoption of the forms for use by superior courts across the state.

Northwest Justice Project: currently develops, maintains, and oversees the content of WashingtonLawHelp. As the Self Help Center receives funding, NJP would work in collaboration with AOC to determine how best to maintain and update the Self Help Center component of the WashingtonLawHelp.

NJP’s CLEAR hotline: directs litigants to appropriate resources. Once the Self Help Center is developed, CLEAR advocates would direct pro se litigants to this website as the system point of entry. (Note: The 211 helpline system is used in King County as an entry point to refer clients to CLEAR and other legal aid programs and would be the entity to make referrals to the online Self Help Center).

Alliance for Equal Justice members: all existing legal aid programs would direct pro se litigants to the online Family Law Self Help Center.

The library system: libraries are an underutilized resource. They have extensive informational resources, knowledgeable staff that are used to playing a helping role, and computers. As technology advances, the role of these libraries is changing dramatically, often making it possible for them to refocus and provide much greater direct services to pro se individuals. This provides an enormous opportunity to engage and jointly shape an informational program that can dramatically increase the ability of litigants to navigate the court system. Essential library components include:

- Washington State Law Library—Co-hosts an online chat feature, Ask a Librarian, which provides support to pro se litigants.
- King County Law Library—is developing a support system for pro se litigants. Currently co-hosts an online chat feature, Ask a Librarian, which provides support to pro se litigants.
- Other county law libraries with staff include Skagit, Pierce, Spokane, Kitsap, Snohomish, Clallam, Whatcom, and Clark counties. They are working to develop training and support tools to assist with pro se support.
- Public libraries—refer pro se litigants to appropriate resources.
- Law School law libraries—all three law schools have a law library with librarians who may be asked to assist pro se litigants. This group of law librarians should receive training and support from the Self Help facilitators on how to refer pro se litigants and how to coach users through the online system.

Superior Court Judges Association: may be of assistance in promoting the Self Help Center as a useful tool for pro se litigants.

Washington Association of County Clerks: may play a key role in making sure that local rules and procedures are uploaded to the online Self Help Center so that it is a centralized and comprehensive portal for all court-based information.

Courthouse facilitators: onsite family law facilitators assist walk-in pro se litigants. They can refer litigants to the online Self Help Center so that litigants start out on the right track.
with appropriate information. The courthouse facilitators are essential to assisting those pro se litigants who are unable to use the computer system.

Washington state Pro Bono programs—Pro Bono programs operate in counties across the state and mobilize volunteer attorneys to assist low-income clients. Volunteer attorneys may be enlisted to assist the Self Help Facilitators in responding to online and telephone based questions from pro se litigants.

Washington State Bar Association:

- The Family Law Section—a key partner in assisting with plain language form development, review, testing, and promotion.
- The Moderate Means Project—as this develops, intake staff could encourage litigants with family law issues to use the online resources as a starting point.
- Other components of the Bar—possible assistance with video production and training seminars.

The three Washington State law schools: law students may be willing to staff the online chat or telephone helpline and assist users in navigating the online system.

Washington State Community Colleges with paralegal programs: there are currently six community colleges in the state with these programs. Students may be interested in and available to help coach pro se litigants through the online Self Help system.

Community groups: an outreach or public relations campaign would be developed to enlist the support, cooperation, and referrals from community groups who interact with individuals who would utilize the online Self Help Center.

IX. Cost/Impact of not doing this project

The cost and impact of not doing this project would be a lost opportunity to:

- Create a comprehensive coordinated system to benefit pro se litigants.
- Improve and simplify existing services for pro se litigants.
- Improve document management and control.
- Make information easily accessible.
- Save the court time and money.

X. Dependencies and Constraints

The following issues have been identified as potential challenges to implementation of this project.

- The current economic crisis has resulted in budgetary cut-backs across the board. Funding for any new project, at this time, is a serious challenge.
• The lack of a superior court system with uniform family law operations complicates creation of a centralized comprehensive online Self Help Center, as information from all 39 counties must be included and maintained.
• The existing family law court facilitator system is supported by a variety of funding mechanisms, resulting in a system that is not unified. Linkage of this system with the onsite courthouse facilitators will pose challenges.

XI. Summary

The Pro Se Project, a collaborative effort of the Washington State Access to Justice Board, the Administrative Office of the Courts, and the Office of Administrative Hearings has determined that pro se litigants in our state would benefit significantly from the creation of a technology based Self Help Center, with staff support through Self Help Facilitators. Accordingly, this Plan outlines a number of proposed components of a Self Help Center, with phase one devoted to family law services. Over time, and with additional funding, the Self Help Center would be expanded to link with the existing courthouse facilitator program, and would cover all substantive legal issues and court levels. A number of states in our country have established effective Self Help Centers. We believe the time has come for our state to create a Center, which would benefit pro se litigants as well as court systems, attorneys and the broader community. A Self Help Center would be an important step in expanding access to justice for those individuals who navigate the civil legal system on their own.

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i The term “pro se litigant” is used throughout this document, a term we chose over other descriptors including “unrepresented litigants” and “self-represented litigants.” Even though many pro se individuals would not recognize this term, it is used herein as this document is for policy makers and members of the social justice community, all of whom understand this reference to those who navigate the civil legal system on their own.

ii See Appendix 1 for a list of Pro Se Project participants.

iii See Appendix 2; Baseline Assessment.

iv In considering an approach to the expansion of pro se services, Pro Se Project member’s prioritized family law cases for the initial phase because these comprise a substantial portion of Superior court case filings. In 2009, there were 40,636 criminal filings in superior court, compared to 50,359 family law filings. Family law filings comprised 17% of all superior court filings in 2009. Also significantly, according to the Pro Se Report, pro se representation in various family law cases ranged from 46 – 95%, while civil cases such as property rights and torts ranged from 2 – 20%.

v See: http://nces.ed.gov/naal/kf_demographics.asp#3
Appendix 1

Pro Se Project Participants

Kirsten Barron, Co-chair and ATJ Board Member
Pat Lantz, Co-chair and ATJ Board Member

Lynn Greiner, Project Manager

The Honorable Paul Bastine (ret.)
Johanna Bender, District Court pro tem
Norma Bayes, former Northwest Justice Project staff member
Kristi Cruz, Northwest Justice Project fellow
Rita Dermody, King County Law Library interim director
Ishbel Dickens, Columbia Legal Services staff attorney
Sue Encherman, Northwest Justice Project Operations Director
Joan Fairbanks, ATJ Programs Manager
LeeAnn Friedman, Northwest Justice Project staff attorney
Merrie Gough, AOC and Washington Pattern Forms staff
Lisa Hayden, Northwest Justice Project
The Honorable Don Horowitz (ret.)
Mike Katell, Columbia Legal Services Information Technology manager
Lorraine Lee, Office of Administrative Hearings
David Lord, Disability Rights Washington
Carol Maher, AOC Disability Access staff
Dexter Mejia, AOC staff
Threesa Milligan, King County Community Legal Services director
Millicent Newhouse, Northwest Justice Project litigation coordinator and ATJ Justice Without Barriers Committee co-chair
Nell McNamara, Equal Justice Coalition director
Lauren Rasmussen, attorney
Kevin Stock, Pierce County Clerk
Janet Skreen, AOC staff
The Honorable Greg Sypolt, Spokane Superior Court and ATJ Justice Without Barriers Committee co-chair
Josefina Ramirez, Northwest Justice Project
Stephanie Zimmerman, Seattle University
The ATJ Board held its annual retreat and decided that a focus for the upcoming 2009/2010 year would be developing initiatives to assist pro se people navigating the civil legal system. To this end, Supreme Court funds appropriated to the Board were dedicated to the staffing of this effort. The ATJ Board also asked the existing ATJ Pro Se and Impediments Committees to merge and take up this effort; the committees both agreed to this undertaking. The ATJ Board approached both the Administrative Office of the Courts (AOC) and the Office of Administrative Hearing (OAH) to partner in this effort and both entities readily agreed.

Richard Zorza, a national consultant on pro se related issues, has been hired to assist us in launching this project. As a beginning point, Richard designed a questionnaire to help us assess existing pro se services in our state, but he cautioned us to spend a limited amount of time in completing this as the assessment is just the starting point for our discussion. In mid-August, a small workgroup was convened to respond to the questionnaire; this group included ATJ Board members Kirsten Barron and Pat Lantz, Janet Skreen from AOC, Chief Judge of OAH Lorraine Lee, NJP staff attorney Lisa Hayden, Don Horowitz, Joan Fairbanks, and Lynn Greiner. This group met once by telephone conference, divided responsibilities, and assembled the following information. Please understand that this information may be incomplete; it is the best effort by this work-group, under time constraints, to respond in general ways to the questions posed.

The Zorza questionnaire and responses follow:

I. Self-Help Services

1. Are there self-help services programs in the courts?

   A. For family law cases in Superior Court there are several types of services that may be available at the courthouse:

   a. Family Law Facilitators: available in 35 of 39 Superior Courts. Fees for use of the facilitator range from $0 to $40 per use. Hours vary and, in some cases, are quite limited. In most cases there is no fee waiver process for low-income litigants who wish to see the facilitator. In most cases there is an additional fee for forms and other materials provided by the facilitator. Facilitators cannot give legal advice. Facilitators often do not have translation or interpreter services available.
b. Pro-se dissolution clinics: Some counties have programs where volunteer attorneys are available at the courthouses regularly before or during the pro-se dissolution calendar (for agreed or default cases). These services are generally free. In some cases only low income persons may access these services.

c. Special Services related to Domestic Violence Protection Orders: By statute there is a greater degree of assistance provided in Domestic Violence Protection Order matters. In some counties, there are some kiosks or other methods by which the forms can be completed in and some assistance is provided by court staff in all counties.

d. Other services: In some counties other self-help services are available at the courthouse for family law litigants, such as volunteer legal clinics, orientations for pro-se litigants about the procedures in family court, special written or online materials available at the library or in another location. District and municipal courts have limited self-represented services available; most notably district courts have small claims instructional brochures and other materials. The Supreme Court has a packet for personal restraint petitions for self-represented inmates. The Court of Appeals has a case processing guide with step-by-step instructions and sample forms on the general courts’ website. Some law libraries in the courthouses provide significant services (e.g. Pierce County).

B. For housing/unlawful detainer cases, several counties have courthouse based Housing Justice Projects (HJPs) which assist tenants in responding to eviction proceedings.

C. Regarding OAH, they do not have any self-help services. Approximately 90% of appeals are heard by telephone and about 90% of appellants are pro se.

D. A Colville tribal judge informed us that there are no self-help services in her court system.

2. If so, how are they directed and staffed? Are they managed by attorneys?

Facilitators: Some facilitator programs are run by the Court and some are provided by the Clerk’s office; a few are administered by contracts with private attorneys or legal service providers.

Pro-se dissolution services and courthouse legal clinics: Generally staffed and run by the local volunteer attorney program, which may or may not be managed by an attorney.

DV services: court staff
3. Is the operation of self-help services codified through standards?
   The basic functions of facilitators and domestic violence protection order advocates are codified. RCW 26.12.240 and GR 27 specifically address courthouse facilitator programs.

4. Is there a broad range of informational materials for the key procedures?
   For Court based services there is variation from county to county. Most courthouses have packets with the family law forms needed for various processes available for a fee. The Protection Order materials are also available and they are free. They are also easier to understand. Other written materials may be available, either in kiosks or in the law library. All courts are required to provide litigants with access to reasonable accommodations for persons with disabilities (GR 33)

5. If in-person services are available only in some courts, or some substantive legal areas, is there a statewide hotline that assists the self-represented with access to the courts? If so, is it fully integrated with online forms and technology?
   Yes, except that only low income eligible persons may receive legal advice from the hotline. The website www.washingtonlawhelp.org is available to all and has many useful self-help materials in a variety of areas of law and in several languages. That site has an interactive program to allow people who wish to file a dissolution without children to prepare their forms online. It is hoped that over time more interactive forms will be added.

6. Do self-help services (in the courthouse) use a comprehensive diagnostic, triage, and referral protocol?
   Volunteer attorney programs use screening and triage and may do so in their courthouse programs, but programs such as the facilitator generally do not have such a protocol.

II. Forms

1. Are there plain language forms for the most important and used situations?
   Sample pleadings are available on www.washingtonlawhelp.org for several areas including eviction response, debt collection, living wills and other estate issues and for some administrative proceedings.

   State issued Family law forms are available but they are not in plain language. The forms in many other states are far simpler. See,

   1. Arizona:
2. New Mexico:

http://www.formsworkflow.com/d65172.aspx

3. New Hampshire:

http://www.ilrg.com/forms/divorce-mc/us/nh

DV Protection Order and anti-harassment forms are available and far easier to use than
the family law forms.

Plain language forms are not available for many situations.

OAH provides hearing rights brochures to parties; these explain in simple terms the key
components of the hearing process, what to expect, how to prepare.

2. Are there online interactive versions available?
   Only for dissolutions without children and child support worksheets.

III. Technology

1. Is a full range of information for the self-represented in place online?
   Many areas of law are well covered in the materials online. Notable gaps are the limited
   online information about trials, discovery, certain types of civil proceedings (e.g torts,
   various property-related actions such as replevin or quiet title) and appeals.
   Information about local rules and how to comply with them is scattered about online, if
   available at all online. Local rules can be accessed via each county court’s website but
   these rules differ from county to county. Generally these rules are not summarized or
   otherwise explained for pro-se litigants.

   There is much information not yet available on-line, or not translated to various
   languages. Because the forms, especially in family law cases, are not in plain language
   the legal instructions regarding these forms are by necessity voluminous and can be
difficult for pro-se litigants with limited reading skills.

   The OAH website provides complete information about the hearing process and
   directed to one of 5 field offices for assistance.

2. Is there online chat to provide assistance in locating this information?
   The Washington State Law Library provides some online chat to direct people to forms
   and resources.

3. Does the online information include information and video on court procedure?
There is limited videotaped information available.

At www.washingtonlawhelp.org, there is a video on representing oneself in public benefit fair hearings. There are also materials on representing yourself in various court proceedings. Some materials have been created by various entities throughout the state, such as www.tacomaprobono.org but this information is not readily accessed via the lawhelp website. King County has produced an online video titled “Your Day in Court.”

As mentioned above, procedural information is available for many common procedures, but there are still significant gaps.

The OAH website provides information about the hearing process but there is no video format available. They are considering developing a “mock hearing” video.

IV. Clerk and Court Staff Guidelines and Education

1. Are there guidelines in place for how clerks and court staff can provide information to the self-represented?
   Yes. Each court office has posted guidelines for what court staff can and cannot do vis-à-vis providing service and answering questions.

   OAH does not have standardized agency-wide procedures to respond to customer inquiries; each field office has separate informal guidelines for handling customer inquiries.

   The Colville Tribal Court system does not have guidelines for clerks or court staff.

2. Are clerks and staff routinely trained on these guidelines?
   Yes. All new court and clerk staff attend new court employee trainings at the Administrative Office of the Courts.

3. Is there a process for updating guidelines and educational programs as experience is gained?
   Any ongoing/continuing education for court staff is the responsibility of each individual court, with the assistance of administrator and clerk associations, except for courthouse facilitators – two trainings are held annually, sponsored by the GR 27 Courthouse Facilitator Advisory Committee and the Administrative Office of the Courts. A comprehensive training manual for courthouse facilitators is available online and is updated annually.

   OAH does not have a formal process for this.

V. Law Library/Public Library Based Services

1. Are self-help services provided by law libraries and public libraries throughout the state?
Law libraries are available in 39 counties. Only 27 or 69% are open to the public. The services available vary dramatically, from no help to extensive assistance for pro se litigants. Only a limited number of the libraries have dedicated librarian staff.

The UW Law Library is intentionally developing public-friendly services for pro se litigants. Seattle University does not offer access to the public at this time.

2. If so, are they coordinated with court and legal aid self-help services?
State wide, legal aid services and public libraries are not coordinated.

VI. Discrete Task Representation

1. Are there rules, or ethical opinions, facilitating both the concept (attorney rules) and the actual practice (civil procedure) of discrete task representation?
   Yes. It is, however, not a commonly available service.

2. Is there training of attorneys in managing, marketing, and risk managing discrete task representation?
   Yes, this sort of training is available, particularly as it relates to family law.

3. Are judges trained in how to be supportive of the concept?
   Discrete task representation is included in judicial training for self-representation issues.

4. Does the lawyer referral service include a discrete task panel, and does it offer this form of service in all appropriate situations?
   Many volunteer lawyers in Washington utilize discreet task representation/assistance, though not necessarily via limited appearances.

VII. Law School Role

1. Do law schools teach the ethics and practice of discrete task representation?
   One Gonzaga professor does discuss discrete representation issues, especially as they relate to low income persons when reviewing RPC 1.2c. We expect this occurs at all the schools; the ATJ Law School Relations Committee is developing a project to incorporate this into the curriculum.

2. Do law schools have any mechanism (clinic, incubator, support systems) to assist young lawyers prepare for and survive in low and middle income practice?
   All three law schools offer clinics where students represent clients; a discussion of both discrete representation and survival in private practice occurs in this setting. At SU and Gonzaga, there is no formal course on this. The UW Career Service office offers mentoring and support for students who are interested in this work. They also offer a course for those who are going into solo practice and intend to assist low bono clients, and they offer a public interest concentration track with courses that directly address these issues.
VIII. Judicial Education and Materials

1. Are regular educational programs for judges on “engaged neutrality” and techniques for managing the self-represented litigant courtroom integrated into judicial education, particularly for new judges?
   Yes. Judicial education programs, including judicial college for new judicial officers at all levels of court, include self-representation issues on a regular basis.

   Regarding OAH, they plan to incorporate this into a new training program and have designated a staff person to coordinate this.

   The Colville Tribal Court system has no training available on these issues.

2. Does the state have a Bench Guide on self-represented issues?
   No.

IX. Caseflow Management

1. Does the state’s caseflow management protocol specifically address the needs of self-represented litigants, and encourage the provision of services to assist the self-represented in taking the steps needed to keep their case moving?
   Not generally, though in some counties there are special procedures or special calendars for pro-se litigants, such as a pro-se dissolution calendar or, in Thurston County, a pro-se “orientation” which litigants must attend.

   OAH does not have protocols in place. Language needs or TDD assistance issues are usually identified at the beginning of the hearing process, and then handled on a case-by-case basis by the ALJ.

2. Are services provided in the courtroom to ensure that barriers to case completion facing the self-represented are overcome?
   No, except for the in-court presence of courthouse facilitators in some counties. In those counties, the court may direct the courthouse facilitator to assist the self-represented litigant in the completion of final papers for presentation to the court. This is not a common practice although it is provided for by court rule (GR 27).

   In some counties, attorneys present to assist with the pro-se dissolution calendar (for finalizing dissolutions that are uncontested or resolved via default).

   GR 33 imposes on courts the duty to ensure that persons with disabilities are reasonably accommodated in the litigation process.

   OAH handles this on a case-by-case basis by the AJ.
X. Compliance and Enforcement Issues

1. Does the state have a mechanism for reviewing and changing the extent to which the self-represented are actually able to comply with, or obtain compliance with, the orders issued by the court?
   No.

2. Do self-help programs include compliance-oriented services?
   Courthouse facilitator programs provide some specific assistance with enforcement of parenting plans and more general assistance with enforcement of other family law orders, i.e. motions for contempt.

3. Does judicial education include compliance issues?
   Enforcement of orders is included in judicial education.

4. Do caseflow management protocols include compliance issues?
   No.

XI. Limited English Proficiency

1. Are forms and instructions and orders available in needed languages?
   To a limited extent.
   OAH forms and instructions are made available in 12 languages.

2. Are self-help services available in needed languages?
   Interpreter services are available at some courthouse facilitator programs, most notably in the larger jurisdictions and at the agricultural center of the state.

3. Is attention paid to making sure LEP individuals understand their obligations under court orders?
   No more than for any litigant.

4. Are judges given the extra time and training needed to deal with LEP and interpreter services?
   Judges receive training in interpreters at annual conferences on a regular basis.

   OAH does not currently provide additional LEP and interpreter training to ALJs.

5. Are interpreters trained to deal with the special issues that arise in self-represented cases?
   Yes.

   OAH interpreter training is provided by the court program or interpreter employer.
XII. **Systemic Approaches**

1. **Is there a system in place that reviews changes in rules, forms, and procedures to make sure that they do not create additional barriers to access for the self-represented?**

   Forms are reviewed by a forms committee, which makes changes to the forms to incorporate statutory changes. Although accessibility to pro-se litigants is a concern of the committee, it is not the only concern. Any movement to dramatically change the type of forms used or the level of detail required would require involvement of others.

   Local rules and procedures are generally created on a local level and not systematically reviewed for accessibility or potential barriers they create for pro-se litigants, though this may be changing due to efforts by the WSBA Local Rules Task Force. Local rules can present significant barriers to pro-se litigants.

   The ATJ technology committee has recently agreed with the WSBA Rules Committee to notify the ATJ technology committee of any rule proposed by the Rules Committee. This relates only to rules that go through the WSBA Rules Committee.

2. **Is there any system for considering how overall re-alignment of the system, including simplification, might improve access for the self-represented, as well as the efficiency of the system for those with counsel?**

   It’s not clear what is meant by “overall realignment of the system.” There are systems in place that determine how legal aid services will be distributed and provided throughout the state. These processes are very coordinated. There does not appear to be any statewide system developed to look at how the courts’ procedures and forms could work better for pro-se litigants, except for the WSBA committees that have been merged and are working on this project.

3. **Does the mandate of the state’s Access to Justice Commission include the self-represented?**
   Yes.

4. **Does the state collect data on the incidence of self-represented litigation?**
   Yes.

5. **Does the state court’s research agenda include access to justice for the self-represented?**
   Yes. A report on courthouse facilitator programs was recently issued by the Washington State Center for Court Research. A comprehensive study of pro se issues was performed in 2002.

XIII. **Other/miscellaneous**

1. Whatcom and Spokane Counties have Street Law programs; pro se litigants are seen in this venue and provided with assistance them in bringing their own cases.
PROPOSED STRATEGIES FOR USING
PERFORMANCE STANDARDS
FOR LEGAL AID IN THE STATE OF WASHINGTON
TO ENHANCE THE QUALITY AND EFFECTIVENESS
OF LEGAL AID ORGANIZATIONS

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III. Use by legal aid organizations in self-assessment and peer reviews

IV. Other potential uses for the Performance Standards
On November 13, 2009 the Washington State Access to Justice Board adopted the Performance Standards for Legal Aid in the State of Washington [hereafter, Performance Standards] and instructed that they be made available on the Access to Justice website. Initial reactions to the Performance Standards have been very positive, but more can be done to publicize their availability and encourage their use by programs and others. This memorandum suggests various way in which the Performance Standards might become better known; how they might be used, and how the Access to Justice Board might encourage their implementation.

There are five categories of ways in which the Performance Standards might be used:

- **Educational** — Use for the training or orientation of staff and boards within the legal aid delivery system, as well as education of people outside the system;
- **Evaluative** — Use as the basis for evaluation of program operations, including self evaluation by programs and peer review;
- **Developmental** — Use by programs and others as a guide or checklist in the design of systems within their organizations;
- **Planning** — Use as a guide for strategic planning and related activities; and
- **Defensive** — Use as an authoritative guide to explain or defend program activities, when necessary.

The Performance Standards are written to provide guidance on a broad spectrum of legal aid organizations' operations:

- **Performance Standard One** expresses broad institutional responsibilities for identifying legal needs of the communities a legal aid organization serves and for planning strategically and collaboratively to respond.

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2. Dividing uses for the standards into these five categories is useful for analytical and planning purposes, but in practice many strategies may overlap. Thus, for example, a program may engage in a self-assessment of its success in meeting a Performance Standard with the goal of also educating staff or board about expectations under the Standard.
Performance Standard Two expresses the importance of advocates seeking to achieve clients' objectives and accomplish lasting results on their behalf. It also addresses broad organizational responsibilities, including choosing appropriate delivery mechanisms and supporting a full range of legal assistance to eligible persons.

Performance Standards Three and Four relate to how clients are treated and to the quality of the work produced.

The specific focus of Performance Standard Five is leadership and management.

Performance Standard Six relates to governance.

Performance Standard Seven relates to resource development.

Performance Standard Eight focuses on issues related to the participation of volunteer attorneys in providing assistance to clients.

This memorandum primarily analyzes potential uses of the Performance Standards from the perspective of educational and self-evaluative functions, but also notes other potential strategies that may be considered by the Access to Justice Board, by programs or by the State funders.

I. Use by legal aid organizations for training and orientation

The Performance Standards provide a ready-made tool for training and orientation of both program staff and members of its Board of Directors. They are explicitly written to convey the core values that the Access to Justice Board believes should be reflected in delineated aspects of a legal aid organization's operation. As a result, they provide a succinct statement of those values that can be easily incorporated into training and orientation materials and curricula for both staff and board members. The analysis in the Commentary could be used to generate a discussion of values that a legal aid organization wants to emphasize, such as treating clients with dignity and respect.

The Commentary to each Performance Standard also provides links to sections of the Commentary of the ABA Standards for the Provision of Civil Legal Aid (2006) which contains more detailed analysis that may also be useful as part of training and orientation materials.

A. Training and orientation of staff

The easiest way to use the Performance Standards in orientation of staff, of course, might be to include their full text (or a link to their Web address) in any orientation materials. In truth, however, the value of including the entire 67 page document in an orientation package would likely be limited to alerting the staff member to its existence and its availability as a resource.

To expose new staff members to the substance of the Performance Standards that will be beneficial to them will require a more targeted approach. The content of the Performance Standards, therefore, could be divided into modules that convey important values, clustered into common areas. For illustrative purposes, the following suggests a way of dividing the content...
that would provide manageable sized modules, some or all of which could be used in orientation or training.

• **Module 1 ~ Expectations regarding interactions with clients.** This module could draw on the *Performance Standards* to convey the values that are important for all staff members, including particularly advocates, in their interactions with persons served by the program. There are several sections of the commentary to the *Performance Standards* that directly pertain to appropriate interaction with clients and applicants for service. They are:
  ✓ *Performance Standard Three*, subheading 1: "Treating persons seeking and receiving services with dignity and respect and fostering trust" (page 13);
  ✓ *Performance Standard Three*, subheading 4: "Protecting information provided by prospective clients and clients from unauthorized disclosure" (page 14);
  ✓ *Performance Standard Four*, subheading 3: "Having the ability to communicate competently with people of different cultural and linguistic backgrounds" (page 20).

• **Module 2 ~ Expectations regarding interactions with the low-income community.** This module could address broader questions related to how the legal aid organization and its advocates interact with low income communities they serve and how they focus on the most compelling issues affecting members of that community. Its attention would be more on an institutional level and would principally be designed to orient new staff and others to the values which underlie how the organization views its responsibility to the communities it serves. Portions of the *Performance Standards* that might be used include:
  ✓ *Performance Standard One*, "Identifying Legal Needs and Planning Strategically and Collaboratively to Respond" (page 5);
  ✓ *Performance Standard One*, subheading 1: "Identification of the most compelling needs of the communities served" (page 5);
  ✓ *Performance Standard One*, subheading 2: "Planning strategically to deliver services that respond to compelling needs" (page 6);
  ✓ *Performance Standard Two*, subheading 1: "Choice of delivery mechanisms that effectively and efficiently respond to client needs" (page 8);
  ✓ *Performance Standard Two*, subheading 3: "Working collaboratively to support the availability of a full range of assistance to low-income communities" (page 10);
  ✓ *Performance Standard Three*, subheading 5: "Operating in a way that facilitates access and overcomes barriers to isolated low-income communities" (page 15);
  ✓ *Performance Standard Three*, subheading 6: "Operating with an understanding of and sensitivity to the values and cultures of all communities served" (page 16);
  ✓ *Performance Standard Three*, subheading 7: "Having the capacity to assist low-income persons in their primary language" (page 16);
  ✓ *Performance Standard Three*, subheading 8: "Accessibility for persons with disabilities" (page 17);

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3 This and all subsequent page references enclosed in parentheses give the number of the web page in the version of the *Performance Standards* that appears on the webpage of the ATJ Board. Typing the webpage in the toolbar just above the document on the webpage and pressing "enter" will navigate to the desired page.
Module 3 ~ Production of high-quality legal work. The discussion in the Performance Standards that relates to legal practice and the production of high-quality legal work could be extracted and used in conjunction with program materials on a number of internal procedures and practices. In addition to the sections of the Commentary to the Performance Standards cited below, for instance, an orientation package could include items such as the organization’s policies on case acceptance, supervision of legal work, records retention, and internal practice standards, if any.

Pertinent sections of the Commentary to the Performance Standards include:

- **Performance Standard Two**, subheading 2: "Accomplishing lasting results for individuals and low-income communities" (page 9);
- **Performance Standard Four**, subheading 4: "Systems that support the efficient production of high-quality legal work", including "Supervision and mentoring," "Regular review of staff advocates' cases and caseloads," and "Training" (page 21);
- **Performance Standard Four**, subheading 5: "Policies that promote the timely, efficient and effective practice of law," including case acceptance, assignment and management of cases and workload, and case files and records (page 22);
- **Performance Standard Four**, subheading 6: "Standards for the effective practice of law" (page 22).

Module 4 ~ Ethical responsibilities. Training and orientation on an advocate’s ethical responsibilities would no doubt be built around Washington's Rules of Professional conduct. There is, however, discussion in the Performance Standards which addresses application of two Rules in the context of legal aid representation and which would be a useful inclusion in training and orientation materials. In addition, a footnote identifies the Rules of Professional Conduct which are particularly significant in legal aid representation. Pertinent parts of the Performance Standards are:

- **Performance Standard Three**, subheading 3: "Identifying and addressing potential conflicts of interest in ways that are consistent with ethical obligations and do not unduly burden access to needed services" (page 13);
- **Performance Standard Three**, subheading 4: "Protecting information provided by prospective clients and clients from unauthorized disclosure" (page 14);

Module 5 ~ Working collaboratively within the Alliance for Equal Justice. This is a core value in Washington State that a legal aid organization may want to highlight separately in orienting new staff. The value is woven throughout the Performance Standards, but there are several sections which could be drawn on along with appropriate sections from the Hallmarks of an Effective Statewide Civil Legal Services System.
Performance Standard One, subheading 1: "Coordination with Access to Justice partners and stakeholders" (page 5);
Performance Standard Two, subheading 3: "Working collaboratively to support the availability of a full range of assistance to low-income communities" (page 8).

B. Training and orientation of members of the Board of Directors.

The Performance Standards offer three avenues for training and orientation of members of the Boards of Directors of legal aid organizations in the state. The first is as a portion of training or orientation related to the board members' responsibilities as governing body members. The second is to provide guidance regarding the appropriate operation of the legal aid organization for which the Board of Directors is responsible. The third relates to participation by the legal aid organization and its Board in the Alliance for Equal Justice.

- **Module 1 ~ Roles and responsibilities as a member of the Governing Body.** Performance Standard Six is devoted exclusively to governance and would be useful in its entirety. Portions of it, however, are explicitly focused on a board member's oversight responsibilities and would be useful in a training devoted to that issue.
  - Performance Standard Six, subheading 1, "The governing body carries out its governance and oversight responsibilities effectively," identifies six specific areas of responsibility (page 28).
    - "To determine the organization's mission and vision, consistent with its role as a member of the Alliance for Equal Justice" (page 29);
    - "To adopt broad general policies for the organization to carry out its mission within the overall framework for the Alliance for Equal Justice" (page 29);
    - "To engage in planning, along with staff and executive management and in concert with planning efforts by the Alliance for Equal Justice, to guide how the organization responds to the legal needs of the low-income communities it serves" (page 29);
    - "To oversee the financial integrity of the organization" (page 29);
    - "To hire and supervise the chief executive officer" (pages 29-30); and
    - "To ensure that its policies are being implemented and that the organization is in compliance with statutory and regulatory requirements" (page 30).
  - Performance Standard Six, subheading 1 also contains helpful analysis of "Limitations on governing body members' activities" (page 30); and
  - Performance Standard Six, subheading 4: "The governing body serves as a resource for the legal aid organization" (page 32).

- **Module 2 ~ Effective operation of the legal aid organization governed by the Board of Directors.** On their face, the Performance Standards all relate to this issue, but certain values may be more important to emphasize in a training or orientation of board members.
  - Performance Standard One, subheading 2: "Planning strategically to deliver services that respond to compelling needs" (page 6);
  - Performance Standard One, subheading 4: "Evaluation of the effectiveness of program efforts and making necessary adjustments" (page 7);
 Performances Standard Two, subheading 1: "Choice of delivery mechanisms that effectively and efficiently respond to client needs" (page 8);
 Performances Standard Two, subheading 3: "Working collaboratively to support the availability of a full range of assistance to low-income communities" (page 10);
 Performances Standard Five, subheading 1: "Leadership that helps establish and maintain a shared mission and vision for the organization and helps to achieve institutional relevancy and credibility" (page 25);
 Performances Standard Five, subheading 3: "Effective administration of the organization" (page 26);
 Performances Standard Five, subheading 4: "Compliance with grant and contract requirements and other legal responsibilities" (page 27); and
 Performances Standard Six, subheading 2: "Governing body members are knowledgeable about legal aid services supportive of the mission of the organization" (page 31).

• Module 3 ~ Responsibilities regarding participation in the Alliance for Equal Justice.

There are a number of places where the value of working collaboratively in the state justice system and participating in the Alliance for Equal Justice are highlighted. Several of those are particularly pertinent to board members and would be appropriate for a training or orientation module.
 Performances Standard One, subheading 4: "Coordination with Access to Justice partners and stakeholders" (page 6);
 Performances Standard Two, subheading 3: "Working collaboratively to support the availability of a full range of assistance for low-income communities" (page 10);
 Performances Standard Six, subheading 3: "Governing by the members who understand the importance of active participation by the legal aid organization in the state justice system" (page 31);
 Performances Standard Seven, Resource Development (page 33);
 Performances Standard Seven, subheading 1: "Coordination and cooperation in efforts to preserve and expand public resources committed to the support of civil legal aid" (page 33);
 Performances Standard Seven, subheading 2: "Participation and cooperation with the Campaign for Equal Justice in efforts to develop and expand private resources to support civil legal aid" (page 34); and
 Performances Standard Seven, subheading 4: "Equitable allocation of private and public resources for civil legal aid delivery consistent with the Access to Justice Board's Hallmarks and the State Planned for the Delivery of Civil Legal Aid in Washington" (page 35).

C. Training and orientation of staff, volunteers and board members of organizations using volunteer attorneys.

Performances Standard Eight directly addresses the operation of legal aid organizations that use volunteer attorneys to serve clients and to support the organization’s activities. Many aspects of the training and orientation modules described above would be pertinent to organizations even
though they rely principally or exclusively on the participation of volunteer attorneys. The availability of the analysis in *Performance Standard Eight,* however, offers additional possibilities for training or orientation aimed at their special characteristics. Again, the full content of the *Performance Standard* is more than might be realistic to cover in one training or orientation and dividing it into modules would be appropriate.

- **Module 1 ~ Expectations related to the recruitment and support of volunteers.** A number of the issues covered in *Performance Standard Eight* pertain to what the organization should have in place to recruit and support its volunteer attorneys.
  - *Performance Standard Eight,* subheading 2: “Successful recruitment and retention of volunteer attorneys” (page 38), including separate discussions of recruitment (page 38), retention (page 39) and recognition of volunteers (page 39);
  - *Performance Standard Eight,* subheading 3: “Access to training and support” (page 39);
  - *Performance Standard Eight,* the discussion under subheading 4: “Internal systems to support quality” that pertains to “Appropriate placement and follow-up on cases” (pages 43-44); and

- **Module 2 ~ Expectations related to the support of high quality legal work by volunteer attorneys.** Special considerations apply to how the value of producing high quality legal work is accomplished in the case of volunteer attorneys. The sections of *Performance Standard Eight* that relate to that issue are:
  - *Performance Standard Eight,* subheading 1: “Fostering high-quality, responsive legal assistance by volunteer attorneys” (page 37), and
  - *Performance Standard Eight,* subheading 4: “Internal systems to support quality” (pages 40-44);

- **Module 3 ~ Expectations related to ethical considerations.** *Performance Standard Eight* provides useful analysis of the complex relationships associated with the referral clients to volunteer attorneys and the common use of non-attorneys in the analysis and assignment of cases. Training and orientation of both members of the Board of Directors and, in some cases, the volunteer attorneys may be appropriate.
  - *Performance Standard Eight,* the discussion under subheading 4: “Internal systems to support quality” that pertains to “Attorney supervision of non-attorney staff, when required” (pages 40-42); and
  - *Performance Standard Eight,* subheading 5: “Establishing a clear understanding among the client, the volunteer attorney and the legal aid organization” (pages 44-46).

**D. Training and orientation of others in the State Justice System.**

While not described here in depth, there are other parts of the civil justice system in Washington that could use the *Performance Standards* for training or orientation of their staff and board. They could be used, for instance, by the Civil Legal Aid Oversight Committee or the Legal
Foundation of Washington’s Board for orientation of new members regarding the operation and expectations of legal aid organizations in the civil justice system.

II. Use by legal aid organizations for self-assessment and values clarification (and possible planning)

Another potential use for the Performance Standards by legal aid organizations is to engage in a process which is part self-assessment and part education of staff or board and clarification of the organization's values. As with training and orientation, the process would involve the use of selected portions of the Performance Standards that are chosen to address a particular area of concern or interest by the legal aid organization. The process could be used once or twice related to a specific issue, or as part of a longer-term self-assessment spread over a period of weeks or even months.

Methodology. The proposed method is a simple one. An office or unit of a legal aid organization or the entire organization selects portions of the Performance Standards and engages in a structured discussion of the values, the degree to which they reflect those values in their operation and what it would take to reflect them more fully. As an example, an organization might reflect its process for intake against the values stated in Performance Standard Three. The discussion could be framed around a few statements from the Commentary to the Performance Standard or could address a variety of the values framed in that Performance Standard.

A discussion, thus, could be organized around the following sentences from the commentary to subheading 1 of Performance Standard Three ("Treating persons seeking and receiving services with dignity and respect and fostering trust") and the subheading 2 ("Accurately assessing the legal problems of persons seeking assistance and advising them promptly of the level of assistance that they will receive"): "A core value that underlies all Washington’s Performance Standards is the importance of treating all persons who interact with the legal aid organization with dignity and respect. Because a potential client's first contact with the legal aid organization is often through its intake system, how that system functions is likely to have as affect on any attorney-client relationship that is formed. It is important, therefore, that the process foster confidence in the professionalism and capability of the organization, and that it engender trust in the potential client. The process should be respectful of the time and resources of persons seeking services and, as much as resources will allow, should avoid long waiting times for prospective clients to seek services and should promptly advise them if services will be provided."

4 ABA Standard 4.1 on the Provider's Intake System: “A provider should design and operate an intake system that treats all persons seeking assistance with respect, accurately identifies their legal needs and promptly determines the assistance to be offered. Link to Commentary to ABA Standard 4.1
"The intake process should accurately identify the legal needs of the person seeking assistance and should act promptly on the application and notify the individual of the level of assistance that will be offered, if any. Individuals who are not accepted for service should be notified promptly and provided legal information, if appropriate, on the steps they may take to protect their interests."

Staff could then be invited to discuss the following questions:

1. Do we agree with the underlying values expressed in these statements?6
2. To what extent do we as an organization reflect those values in how our intake process functions?
3. What are the factors that inhibit our operating in a way which meets this standard and what enhances it?
4. What steps might we take as an organization to overcome the barriers to our fully accomplishing the values and to strengthen the factors which enhance it?

The same discussion could be used to consider a broader range of values reflected in Performance Standard Three. In interest of space, the Commentary is not set out fully in this memorandum, but portions of it that are found in the following subheading could be used for a similar discussion to assess key aspects of intake:

- Performance Standard Three, subheading 5: "Operating a way that facilitates access and overcomes barriers to isolated low-income communities" (page 15);
- Performance Standard Three, subheading 6: "Operating with understanding of and sensitivity to the values and cultures of all communities served" (page 16);
- Performance Standard Three, subheading 7: "Having the capacity to assist low-income persons in their primary language" (page 16);
- Performance Standard Three, subheading 8: "Accessibility for persons with disabilities" (page 17);
- Performance Standard Three, subheading: "Reaching out to all low-income communities" (page 17);

There are a variety of issues in the Performance Standards that lend themselves to engagement in the process described above. The location of the appropriate text in the Performance Standards is not set out here, but various possibilities are suggested:

- How well do we engage with low income communities in order to be aware of and responsive to their most compelling needs?
- Do we interact with clients and applicants for service with appropriate cultural and linguistic competence?

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5 Link to Commentary to ABA Standard 4.1

6 In fact, the ATJ Board has established that the values in the Performance Standards apply in all legal aid organizations. The purpose of the first question, however, is more pedagogical; it is to have participants in the discussion recognize and embrace the specific values inherent in the selected text.
• Do we provide appropriate and necessary support to volunteer attorneys and function in a way that fosters their providing high quality representation?

• Do our systems for the supervision and support of legal work foster high quality representation and contribute to the professional growth of employees?

• Do we use technology effectively to support our production of legal work and to reach clients and others effectively?

• Do we coordinate and collaborate with our Alliance for Equal Justice partners to assure that a full range of service is offered and that we use available resources as efficiently and effectively as possible?

• Does our Board of Directors carry out is responsibilities effectively?

III. Use by legal aid organizations in self-assessment and peer reviews

During the past several years there has been discussion of creating a capacity for engaging in peer reviews or consultations for some or all of the legal aid organizations in the state in processes that would be jointly organized by the funder and the organization being reviewed. The Performance Standards themselves cite the value of such jointly sponsored peer reviews (page 7). Considerably more analysis is required regarding what would be necessary to create such a capacity than is appropriate in this memorandum. It is useful, however, to consider how the Performance Standards could be used as the basis for peer reviews or consultations.

The Performance Standards would be very useful as standards for a peer review or consultation. The language of each Performance Standard is written in a way which makes it particularly appropriate for such use. Indeed, each declaration in the Performance Standards can be turned into a question which becomes an appropriate evaluation inquiry. Thus, for example, Performance Standards One can be transformed into the following set of assessment questions:

• Does the legal aid organization interact effectively with low-income communities it serves so as to be aware of their most compelling legal problems?

• Does it, in consultation with its Alliance for Equal Justice partners and stakeholders, make deliberate choices about how to respond to those needs?

• Does it periodically assess the effectiveness of its efforts to respond to the needs of the communities it serves and adjust its approaches, as necessary?

By way of another example, Performance Standard Three lends itself to the following formulation of questions appropriate for a peer review or consultation:

• Do the legal aid organization’s systems for intake and case acceptance reflect a commitment to treating all persons seeking and utilizing its services with dignity and respect?

• Does the organization accurately identify the legal needs of prospective clients and promptly respond to requests for assistance.
• Does the organization promote access for all eligible populations including those that are isolated by geography, culture, language, disability and other factors that limit access? Does the organization coordinate with Alliance for Equal Justice partners and stakeholders to promote improved access to the civil justice system?

• Does the organization have policies and procedures to identify and address conflicts of interest

• Does the organization appropriately protect the confidentiality of clients’ and prospective clients’ information.

Each of the Performance Standards can easily be converted into an evaluation question appropriate for use in a peer review. Furthermore, the greater detail which is set forth in the Commentary to each Standard can be used for more finely focused inquiry into areas that concern in the peer review. Thus, for example, the language in Subheading 5 of Performance Standard Five reads:

“2. Management that supports the production of high-quality, responsive legal work consistent with the Performance Standards

For a legal aid organization to excel, it must have good management as well as effective leadership. Good management relates to the organization’s capacity to get its work done efficiently to accomplish its intended objectives. A program that is well managed will have an effective management structure with well trained managers who can respond quickly and effectively to challenges and opportunities that confront the organization. Management should be diverse. All levels of management should be clear on their assigned authority and responsibility. The organization should create effective administrative procedures and effectively use technology and other tools that support internal operations as well as service to clients. It should periodically evaluate the effectiveness of internal and administrative operations.”

The quoted paragraph lends itself to the following areas of inquiry:

• Does the legal aid organization have a clear management structure with clearly assigned authority and responsibility?

• Are managers trained?

• Is management diverse?

• Does the organization have effective administrative procedures?

• Does the organization effectively use technology to support internal operations as well as clients?

• Does the organization periodically assess the effectiveness of its internal administrative operations and make appropriate adjustments, if necessary?

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7 Link to Commentary to LSC Performance Criteria, Performance Area 4, Criterion 3.
IV. Other potential uses for the *Performance Standards*

The above analysis has focused principally on the educational and evaluated potential for the *Performance Standards*. It should be noted, however, that there are other uses of which legal aid organizations, their funders and others may make use. Some are listed here without analysis.

By legal aid organizations collectively and individually

- √ To assess and guide development of new delivery techniques
- √ To respond to criticisms of advocacy that seeks to accomplish systemic change
- √ To help design and assess systems related to quality assurance, including the supervision, case acceptance and assignment, caseload management and case files and records.
- √ To engage in strategic planning
- √ To clarify relations with community organizations and other partners
- √ To assess whether there are gaps in service or capacity
- √ To provide guidance to organizations appointing members of the Board of Directors
This memo provides a summary of CLAE work completed pursuant OCLA Contract No. PSC09378 between the State of Washington Office of Civil Legal Aid and the Center for Legal Aid Education between October 1, 2010 and December 15, 2010.

1) **CLAE submitted its first report on October 27, 2010.** This report described work conducted between August 1, 2010 and October 20, 2010, specifically as related to the following deliverables:

   i) A revised statement of goals for the Equal Justice Leadership Training program;

   ii) Structural elements necessary to ensure long-term success and sustainability of the proposed leadership training and support system; and,

   iii) Preliminary outcome measures against which success of the Equal Justice Leadership Training program will be measured.

2) **Since submitting the October 27 report, CLAE, working with Leadership Institute Sub-Committee members (Allison Durazzi, Betty Frye, Tom Tremaine, Barb Otte and Aurora Martin) completed the following:**

   a) **On Wednesday November 3,** the Sub-Committee met by conference call and in-person with members of the Leadership Institute Steering Committee to present its recommendations regarding: 1) a proposed statement of vision for the Equal Justice Leadership Training; 2) proposed structural elements necessary to ensure long-term success and sustainability of the leadership training and support system; 3) preliminary evaluation criteria to measure Equal Justice Leadership Training program success; 4) proposed criteria for recruitment and selection of participants in Phase 2 and Phase 4 leadership institutes; and 5) proposed modifications to Leadership Institute Curriculum.

   b) **Between November 3 and November 8,** CLAE staff and Sub-Committee members met by conference call to review and integrate changes, recommended by Steering Committee members during the November 3 meeting, to material presented during the November 3 meeting, specifically:

      i) The Sub-Committee revised the statement of goals and vision to include the Hallmarks of an Effective Civil Legal Services System, *(see Revised Deliverables, pages 3-11)*;

      ii) The Sub-Committee modified selection criteria for the Phase 4 program to include the same percentages as were reflected in recruitment and selection of experienced
leaders for the phase 2 program, i.e., 25% positional leaders of Alliance organizations; 25% field and pro bono client service advocates from the Alliance provider community; 25% from community-based partners, including client/at-large members of Alliance for Equal Justice organizational boards or active committee folks; and, 25% from Alliance/ATJ Board/justice community and justice-system leadership; (see Revised Deliverables, page 40, #2b);

iii) The Sub-Committee modified proposed curriculum changes to reflect revised Leadership Institute goals and vision, specifically inclusion of the Hallmarks; see Revised Deliverables, pages 25- 32.

iv) Note that Steering Committee members did not suggest any changes to Deliverable Two regarding proposed “Structural Elements” (Revised Deliverables, pages 12 – 15) or Deliverable Three regarding proposed “Evaluation Criteria.” (Revised Deliverables, pages 16- 21).

c) On November 9, the Sub-Committee sent Revised Deliverables to the full Steering Committee and requested that Steering Committee members get back to the Sub-Committee by Monday, November 15 if there were any additional changes to be made. There were no additional changes suggested.

2) On December 13, the Sub-Committee met by conference call to discuss the last outstanding deliverable, specifically a process for recruiting and selecting trainers, experienced leaders/mentors and fellows for participation in the Equal Justice Leadership Training program. Note that the Sub-Committee’s November 3 presentation to the Steering Committee included proposed selection criteria but not a process for making the selection. During the December 13 call, the Sub-Committee agreed to recommend that all Steering Committee members be invited to participate in a formal Selection Committee. Steering Committee members who apply to participate in the Phase 2 program will recuse themselves from the Selection Committee.

3) Next Steps: Sub-Committee member Betty Frye agreed to present the above recommendation regarding process for selecting participants as well as a summary of other work completed (outlined above) at the January 14, 2011 ATJ Board meeting.
### Summary of Leadership Sub-Committee Work

**December 20, 2010**

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Deliverable One:

Revised statement of goals for
Washington’s Alliance for Equal Justice
Leadership Training Program
Deliverable One: Leadership Program Goals

Deliverable One  The Sub-Committee: 1) affirmed the original leadership development program goals as articulated in the ATJ Board’s Request for Quotation and 2) developed statements of mission and vision for the WA Equal Justice Leadership Institute [note: this is a working title for the name of the initiative/institute].

1) Affirmation of Original Goals as presented in WA ATJ Board’s Request for Quotation
   Based on discussions during the October 6, 2010 Steering Committee meeting, the Sub-Committee affirmed the following overall goal for the Leadership Development program:
   a) To develop an effective and sustainable civil equal justice leadership training and support infrastructure that reflects WA state’s equal justice core values and vision, is consistent with its Plan for the Delivery of Civil Legal Aid to Low-Income People in Washington State, and that has the capacity to:
      i) Identify, train, support and empower diverse new and “target” equal justice leaders;
      ii) Invest in continuous leadership learning of its own mentors, teachers, and trainers;
      iii) Invest in the strategic and intentional use of:
         (1) mentor/mentee relationships and
         (2) leadership development and professional growth opportunities
      iv) Establish a leadership culture of high accountability for continuous feedback, critique, assessment, review, analysis, innovative problem-solving and improvement
      v) Customize differing levels of training intensity and investment to meet emerging leaders’ diverse needs.

2) Development of Leadership Institute Mission and Vision:  Also based on discussions had and material generated during the October 6, 2010 Steering Committee meeting, the Sub-Committee developed statements of mission and vision for the WA Alliance for Equal Justice Leadership Institute. These statements are also included in revised curriculum included with materials related to Deliverable Four.

   Leadership Institute Mission
   The mission of the Washington Alliance for Equal Justice Leadership Institute is to create a broader, more diverse, skilled and effective community of positional and non-positional equal justice leaders.
Institute Vision

The Leadership Development Institute promotes leadership effectiveness grounded in the <i>Hallmarks of an Effective Civil Legal Services System</i> (<i>included beginning on page 5</i>). As a result of our success, we envision the following changes in our community:

1. **A broad cadre of positional and non-positional leaders who:**
   a. Increasingly mirror the diversity of the communities we serve;
   b. Have participated in leadership development activities as leaders-in-training and mentors and share a common leadership language;
   c. Demonstrate the full range of leadership competencies and skills, and a shared commitment to, facility with, and responsibility for advancing Alliance principles and values;
   d. Know from where they have come and have the ability to change where they are going;
   e. Have the leadership tools and commitment to the <i>Hallmarks</i> necessary to respond to current and future challenges and opportunities;
   f. Reinforce and support each other’s leadership within and across all Alliance organizations, coalitions, committees and groups;
   g. Recognize the ongoing importance of leadership development and are ready and willing to support others’ leadership development; and,
   h. Are ready, willing and able to engage in active, vibrant, productive Alliance leadership relationships whenever and wherever the opportunities present themselves.

2. **A Statewide Alliance for Equal Justice that:**
   a. Includes and the significant numbers of skilled, diverse, positional and non-positional leaders ready, willing, and able to take on new leadership challenges and roles;
   b. Consistently acts in accordance with the <i>Hallmarks</i> within and among its members and in its relationships, activities, and efforts with the people, entities and institutions that are integral to equal justice;
   c. Includes well-designed and integrated information systems that enable Alliance members to identify and foster potential and emerging leaders, and which will enable motivated individuals at all levels to seek Alliance leadership training and opportunities.
3. **An established, sustainable core-values-based leadership development infrastructure that:**
   
a. Ensures an intentional, community-driven, high quality and consistent approach to leadership and mentor development;
   
b. Is grounded firmly in the equal justice community’s history and context, and that recognizes and encourages the creation of a new and unfolding equal justice narrative; and,
   
c. Provides skill, opportunity, authority, and encouragement to lead across the full range of Alliance activities.
Hallmarks of an Effective Statewide Civil Legal Services System

Revision adopted by the Access to Justice Board on February 20, 2004.

I. INTRODUCTION

The dictionary defines "justice" as fairness. The system for administration of our laws is called the justice system because the single most important principle upon which that system is premised is fairness. Our laws, however, are complicated. They are created by local, state, tribal and federal legislative and administrative bodies. They are interpreted and enforced by local, state, tribal and federal courts, administrative and other agencies. The volume and complexity of the laws and the procedures for their administration have made it increasingly difficult to effectively utilize the justice system without the help of a lawyer. That means for those who cannot afford a lawyer, access to the system does not necessarily mean access to justice.

Publicly funded legal services, or "legal aid," evolved in an effort to insure that poverty was not an insurmountable barrier to justice. Financial and political support for this effort has been inconsistent over the years. In 1994-95 that support sharply declined threatening significant reductions and restrictions on the availability of legal services for the low income. This led to a comprehensive review of Washington's statewide legal service delivery system and development of a plan to respond to this threat.

This review and planning process is an ongoing project. It has been facilitated and guided by the Access to Justice Board (ATJ Board), a coordinating and oversight body created by Order of the Supreme Court. The ATJ Board's first significant project was the development in 1995 of its Plan for the Delivery of Civil Legal Services to Low Income Persons in Washington State (State Plan). The State Plan included 18 recommendations for reconfiguring and supporting Washington's delivery system so as to preserve access for low-income clients to a full range of advocacy and services. In mid-1998, the ATJ Board, through its State Plan Evaluation Committee, began a process to determine how well the State Plan was working and to consider which aspects, if any, should be rethought. The Board presented its draft Revised State Plan and recommendations at the June 25-27, 1999 Access to Justice Conference in Wenatchee, and later adopted its final Revised Plan for Delivery of Civil Legal Services to Low Income People in Washington State (Revised State Plan) at its annual retreat on September 16, 1999.

In undertaking its planning responsibilities, the ATJ Board first sought to articulate a mission and vision of statewide equal justice. Based on this mission, it then attempted to identify those values that flow from the mission statement and which, in turn, lead to the identification of the components and capacities that seem necessary for the system to be effective.
The *Hallmarks of an Effective Statewide Civil Legal Services Delivery System* (Hallmarks), written in 1995, described the mission, values, components and capacities upon which the current statewide legal services delivery system is based. The Hallmarks have served the ATJ Network well and continue to guide state planning and ongoing delivery activities. However, many have commented over time that the hallmarks document is written in terms that are not clear to all. What follows is an effort to reduce the hallmarks to a more clear and concise statement of the ideals upon which the legal services delivery system is based and from which it continues to evolve. It is also an effort to generate statewide discussion about their continued relevance and assure that there is genuine consensus across the system and the state.

**II. MISSION**

*Poverty should not be an impediment to Justice. The mission of the statewide legal services delivery system is to offer low income individuals and groups both direct representation and other legal assistance that enables them to:*

- Protect and enforce their rights;
- Use the civil justice system to oppose laws, regulations, policies and practices that operate unfairly against them;
- Develop and implement laws, regulations, polices and practices that improve their quality of life; and
- Effectively advocate their legal rights and interests on their own behalf.

**III. VALUES AND CAPACITIES**

The following pages set out 15 values that are at the core of the Washington civil legal services system and to which the structure and operation of the system must remain loyal to assure equal justice for Washington's poor and highly vulnerable. Following each of these values is a list of components and capacities necessary to make sure the legal services delivery system can faithfully serve each of these values.

1. **The system's effectiveness is dependent upon its commitment to assessing and responding to the most critical needs of clients as identified by low income clients and potential clients.**

   - Regular assessment of client legal needs based on input from clients and potential clients, and those to whom clients go to talk about their needs.
   - A priority setting process in which client identified needs are given the greatest weight.
   - Legal resources are reconfigured and reallocated to address changed client priorities.
   - Training, coordination and support of legal advocates appropriate to existing and changing client needs.
2. Those in poverty have an equal right to justice regardless of who they are, where they live, or the language they speak.

- Equitable distribution of resources around the state that assures all geographic regions have access to the most necessary services.
- Language and cultural competency to provide meaningful access to all client groups.

3. The justice system must be barrier free.

- A work plan that addresses inclusion, diversity and multicultural competency issues in the structure, leadership, relationship building and resource development of the legal services delivery system.
- Sensitivity and competence to identify and remove barriers to the legal services delivery system that may result from clients' education, race, national origin, tribal, ethnicity, cultural heritage, sex, age, religious preference, marital status, sexual orientation, sensory, mental and physical abilities, veteran status and other characteristics that impose barriers to the services and benefits of the legal services delivery system.
- Sensitivity and competence to help clients and client groups identify and address barriers in the justice system that may result from clients' education, race, national origin, tribal, ethnicity, cultural heritage, sex, age, religious preference, marital status, sexual orientation, sensory, mental and physical abilities, veteran status and other characteristics that impose barriers to the fair creation, implementation, administration or enforcement of our system of laws.

4. A legal services delivery system is effective only to the degree that positive results are achieved for clients, particularly in areas of high priority client need.

- Reports of client outcomes include information solicited from clients.
- Efforts are made to obtain longer term follow up information from clients after case closure.
- Report standards are keyed to client needs, adjusted to reflect changing client priorities, and are shared throughout the various parts of the system.
- An assessment process that recognizes that positive results include each client's opportunity to have his or her claims considered fully and fairly as well as "wins" where clients obtain the relief they sought.
Deliverable One: Leadership Program Goals

5. The right to justice must remain constant regardless of changing social, political, economic or other conditions in the country, state and communities where low income people live.

- The system is vigilant for, and aware of, changes in the political and social environment and their impact on the lives and interests of individual and group clients.

- Client populations with distinct needs (e.g. migrant farm workers, institutionalized persons, Native Americans, senior citizens, refugees, etc.) are served irrespective of changes in political and social environments.

- Regardless of political or social pressures, client advocacy is consistent with RPCs, statues and court rules including the capacity to pursue all appropriate forms of relief in all appropriate forums.

- Restricted and unrestricted funds are allocated with the goal of providing the full range of services to all groups and individuals.

6. Resources must first be committed to those efforts and activities that are most likely to result in longest term benefits in areas of the most pressing client needs.

- System resources are deployed to address high priority areas of representation.

- Regional planning and coordination that avoids duplication and maximizes efficient use of system resources.

- Regional and statewide assessment of effectiveness of means and strategies used to address priority client needs.

7. Individual and group advocacy are both effective and necessary tools for addressing the legal interests of low income residents throughout the state.

- Legal resources set up to efficiently assist individual clients.

- Legal resources unrestricted in their ability to represent client groups, particularly where the relief sought has broader and/or more long-term benefit.

- Recognition of conflicts that may exist between the values and goals of individual clients and client groups with whom they are identified.

8. The most effective resolution of a "legal" problem may require the use of non-legal resources.
· Expertise in a full range of advocacy systems (courts, administrative hearings, alternative dispute resolution, etc.).

· Cooperative relationships with other advocacy resources, particularly those with experience and expertise in dispute resolution in non-legal disciplines.

· Support, assistance, coordination and training for community organizations involved in providing legal, educational, health or human services or groups that provide service or advocacy for low income people.

9. Low income people have a greater ability to control their own lives when they have accurate information and the skill, ability and opportunity to use that information to advocate on their own behalf.

· Programs and services that provide information, advice and skills training that help clients effectively advocate on their own behalf including self-help programs, community legal education, client and community outreach, hotlines, ADR programs, internet informational programs.

· Court and community education that promotes the opportunities for self-advocacy.

· Community based computer and internet access.

· Community based clinics.

10. Access to justice means access to and assistance in the places where decisions are made that affect peoples lives including courts and legislative and administrative bodies.

· Legal resources unrestricted in their ability to advocate on behalf of low income people before legislative and administrative bodies.

· The expertise and relationships to make legislative and administrative advocacy effective.

· Capacity and competency to address client needs in quasi and non-judicial settings.

11. Recruitment, coordination and thoughtful use of the components of a legal services delivery system are essential to the system's success.

· Recognition by the various components of the legal services delivery system that to make the system truly "client-centered" individual and group clients must be seen as a critical component of the system to be utilized in the advocacy process and not merely the beneficiary of that process.
· Maintenance of programs in as many varied configurations as are necessary to insure the low income population has a meaningful level of access to the broadest possible range of representation and other assistance.

· Collaborative relationships among staffed legal services programs; private attorneys; volunteer attorney programs; specialized advocacy programs; private and non-profit law firms; justice system workers; other professional disciplines; social service providers; client groups and individual clients themselves.

· Communication, cooperation and coordination among these various components.

· Access and effective use of technological resources on a system-wide basis.

12. An outstanding delivery system consciously strives to avoid duplication of capacities and administration.

· Relatively uniform, highly accessible, user-friendly client intake, case evaluation and referral systems.

· Organizational relationships and structures that take advantage of economies of scale and actively promote the effective use of existing and emerging technologies.

· The effective use of existing and emerging technologies that reduce costs and provide better services.

· Regular evaluation of system programs to insure highest level of effectiveness and efficiency.

13. The system must embrace and reflect appropriate professional ethical and performance standards in every aspect of its practice.

· Ethical rules.

· Program policies.

· Performance expectations in ABA Standards for Providers of Civil Legal Services to the Poor.

· ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means.
14. While taking into consideration the needs of the clients statewide, the system should identify and respond to unique issues and special needs of clients within individual regions, communities and Indian nations.

- Regional planning and coordination.
- Community outreach.

15. The system must be organized and operated to insure that accurate and complete information about what the system does and how its does it is available to all.

- Comprehensive data collection across the system (consistent with client confidentiality requirements).
- Compilation of data from all components (consistent with client confidentiality requirements).
- Reporting of data in readable, user friendly form (consistent with client confidentiality requirements).
Deliverable Two:
Structural Elements to Ensure Long-Term Success and Sustainability
To achieve Leadership Development goals outlined in the ATJ Board’s RFQ, CLAE proposed a 2.5 year Leadership Training Initiative which includes Phases 1 – 5, outlined in Section 1, below. To ensure long-term success and sustainability beyond the initial periods in which CLAE is involved, the Sub-Committee identified structural elements outlined in Section 2, below.

1) Phases outlined in CLAE Leadership Development Proposal:

a) In Phase 1, CLAE staff will work with a designated steering committee to review and, as necessary modify, overall goals for the Equal Justice Leadership Training program, key elements of a sustainable Leadership Training infrastructure, and the initial Leadership Training Program to be undertaken in Phase 2.

b) In Phase 2, CLAE staff will lead an intensive Leadership Training Program for experienced equal justice leaders, sequenced over a period of 9 – 12 months, through which participants will: 1) explore and refine their own development as leaders; 2) develop knowledge and skills necessary to serve as faculty and mentors in future leadership training programs; and 3) contribute to the further design of a leadership training and support program that most effectively reflects the WA community’s core values and vision, responds to the community’s specific context, interests and needs and includes mechanisms for supporting the developmental needs of leaders within the various sectors of the WA equal justice community, including among others, community-based, volunteer, staffed programs, legal professional organizations, law schools, bar associations and the judiciary.

c) In Phase 3, working with the steering committee, CLAE will evaluate Leadership Program success using previously developed criteria; document program evaluation; and implement changes in leadership training curriculum and structure for use in the second Leadership Development Program for new and emerging leaders.

d) In Phase 4, working with new Leadership Training Program faculty and mentors (e.g., those developed in Phase 2), CLAE will lead a second Leadership Training Program for new and emerging equal justice leaders.

e) In Phase 5, CLAE will evaluate the success of the second Leadership Training Program using previously developed criteria; document program evaluation; and, review and, as necessary, modify the plan for ensuring long-term Leadership Training Program sustainability.
- **Structural Elements needed to ensure long-term success and sustainability:** Once Phases 1-4 are complete, the Sub-Committee identified the following elements that will need to be in place.

  a) **Individual Alliance member buy-in and support for ongoing leadership development** — this will include willingness to support members’ staff and volunteers’ time and costs associated with participating in future leadership development activities.

  b) **Experienced leaders trained in Leadership Institute curriculum and skills to serve as mentors** — to be accomplished initially through Phase 2-5; beyond Phase 5, there will be a need for ongoing opportunities for experienced leaders to serve as mentors for emerging equal justice leaders.

  c) **Experienced leaders trained in Leadership Institute curriculum and skills to serve as faculty** — to be accomplished initially through Phases 2 and 4; thereafter, experienced faculty will benefit from periodic meetings to prepare for upcoming leadership trainings and to receive feedback on their effectiveness in completed programs.

  d) **Statewide coordinator(s)** to provide coordination and support for the various activities necessary to administer ongoing Leadership Development programs — During Phases 2 – 5, CLAE will provide most of the functions outlined below. Once CLAE’s initial work is completed, the WA community will need to have designated individual(s)/organization(s) responsible for various activities outlined below:

    i) **Oversee recruitment and selection of fellows and mentors** — using criteria and processes developed and refined through Phases 1 - 5;

    ii) **Recruit and support faculty for individual leadership retreats** — this includes assigning faculty to specific sessions and providing various resources including training notes, presentation slides and other resources necessary to carry out individual leadership training sessions;

    iii) **Assign mentors to work with individual or groups of participating emerging leaders**;

    iv) **Oversee and support communication with and between fellows, mentors, organizations/institutions sponsoring fellow/mentor participation** — through Phases 2 – 5, we will develop sample communication documents that can be reused in follow-up leadership programs.

    v) **Monitor effectiveness of:**
(1) Fellow-mentor relationships — this requires periodic calls to individual fellows and mentors; monitoring is also accomplished through quarterly “Live Link Ups” during periods between in-person retreats;

(2) Fellow’s progress on Leadership Initiatives and Leadership Development Plans

vi) Oversee and support pre- and post-retreat activities, including:

(1) Updating and maintenance of the Leadership Institute online campus which includes learning activities, discussion forums and various leadership institute resources

(2) Quarterly “Live Link-Ups” (web-based meetings) for:
   (a) Fellows
   (b) Mentors
   (c) EDs or other senior staff of sponsoring institutions

(3) Coordination and summaries of 360° feedback instruments (typically administered between Retreats 1 and 2)

(4) Set up web-based surveys that allow mentors and fellows to conduct pre-and post-Institute assessments in relation to leadership competencies;

(5) Conduct & analyze leadership program evaluations

(6) Handle all other logistics associated with in-person retreats
Deliverable Three:
Preliminary Evaluation Criteria
Deliverable Three: Preliminary Evaluation Criteria

The Sub-Committee developed three tiers of measures to evaluate Leadership Development program success: the first in relation to overall leadership development program goals; the second and third in relation to increased leadership effectiveness of participating experienced leaders (Phase 2) and emerging leaders (Phase 4).

1) **Evaluating Overall Leadership Development Program Goals.** At the end of Phase 5, we will conduct an evaluation to measure the extent to which overall program goals and objectives have been achieved. A preliminary list of CLAE activities in relation to each of these is included beginning on page 13.

2) **Evaluating effectiveness of Phase 2 Programming** generally in relation to strengthening leadership effectiveness of participating experienced leaders, and specifically in relation to their capacity to mentor others’ leadership development.

   a) **Individual Self-Assessments:** Participating experienced leaders will complete self-assessments to evaluate changes in 1) leadership skills, 2) attitudes and beliefs, and 3) circumstances. Each of these is outlined below.

   i) **Leadership Competencies and Skills:** Participating experienced leaders will complete self-assessments at the beginning of the Leadership Institute and then again at the end of the Institute. These assessments outline specific leadership behaviors and skills related to each of the seven leadership core competencies. A sample pre-training assessment can be accessed at: [http://www.surveymonkey.com/s/RZ58QJ3](http://www.surveymonkey.com/s/RZ58QJ3).

   ii) **Attitudes and beliefs:** Participating experienced leaders will also be asked to respond to the following statements related to changes in attitudes and beliefs; for each statement they will indicate whether they: 1) strongly agree; 2) agree; 3) disagree; 4) strongly disagree. A sample post-training assessment to measure changes in attitudes and beliefs can be accessed at: [http://www.surveymonkey.com/s/R5FBH8B](http://www.surveymonkey.com/s/R5FBH8B); questions below would be specific to Washington:

   (1) I have a greater understanding of and commitment to providing mentorship to others in my organization and within the Alliance

   (2) I have increased self confidence as a result of my participation in the leadership institute

   (3) I have a sense of myself as having more power within my organization and within the Alliance as a result of my participation in the institute

   (4) I consider myself more capable of exercising a leadership role in my organization and within the Alliance as a result of my participation in the Institute
Deliverable Three:
Preliminary Evaluation Criteria

(5) I find my equal justice work more satisfying now than I did before I participated in the Leadership Institute

(6) I feel like I have more opportunities to make a difference within my organization and the Alliance now than I did before the Institute began

(7) I have a sense that my work can have a greater impact on the client community than I did before the Institute

(8) I have more respect for divergent views now than I did before the Institute

(9) I have a greater understanding of issues of power and difference now than I did before the Institute began

(10) I feel I have more access to peer support and/or better networks to support my work now than I did before participating in the Leadership Institute

(11) I have a more positive vision of the potential for my role within the equal justice community now than before I participated in the Institute

(12) I now take more initiative within my organization or the Alliance than I did prior to participating in the Institute

(13) I am more involved with other staff and volunteers and more collaborative in my work than I was prior to the Institute

iii) Individual’s circumstances. Participating experienced leaders will also respond to statements related to changes in circumstance:

(1) I have undertaken (whether requested or not) greater management or other organizational responsibilities

(2) I play a greater supervisory or mentoring role within the program since participating in the Institute. These relationships can be informal and do not have to be ones sanctioned by management or officially recognized by the program

(3) I have made a significant contribution to improving management or governance within my organization or the Alliance. (This can be by example or indirectly. It does not require that you were provided authority by positional leaders, only that something positive changed and you have some responsibility for it)

(4) I have made a significant contribution to improving the advocacy within my organization or within the Alliance. (This can be by example or indirectly. It does not require that you were provided authority by positional leaders, only that something positive changed and you have some responsibility for it)

(5) I have made a significant contribution to improving my organization’s or the Alliance’s relationship to or understanding of its client community or some component of that community. (This can be by example or indirectly. It does not
Deliverable Three:
Preliminary Evaluation Criteria

require that you were provided authority by positional leaders, only that something positive changed and you have some responsibility for it)

(6) I now have increased authority or a more significant decision making role within my organization or the Alliance than I did before the Institute began

(7) I now play a different role in my organization or within the Alliance than I did before I participated in the Institute in a way or ways that is/are not fully captured in my responses above

b) **Others' assessments of Leadership Institute effectiveness in relation to participating experienced leaders.** At the end of the Phase 2 program, we will also solicit input from selected individuals familiar with participating experienced leaders who can provide additional information to evaluate the extent to which experienced leaders’ participation has contributed to changes in their 1) leadership skills; 2) attitudes and beliefs; and 3) circumstances. Surveys for these individuals are similar to those to which experienced leaders respond. A sample “others” assessment can be accessed at: http://www.surveymonkey.com/s/TK7V9N8

c) **Evaluation of Leadership Institute programming and structure.** Participating experienced leaders will also be asked to evaluate all aspects of the Leadership Institute including:

i) Leadership Institute curriculum and materials

ii) Quarterly in-person retreats

iii) Live Link-Ups and use of online campus

iv) Mentoring relationships

v) Leadership initiatives

vi) Leadership development plans

vii) CLAE staff support

2) **Evaluating effectiveness of Phase 4 Programming** on strengthening leadership effectiveness of participating emerging leaders. Subject to any changes to evaluation criteria developed during or after the Phase 2 program, emerging leaders participating in the Phase 4 program will participate in a series of evaluation instruments similar to those outlined for the Phase 2 program, above.
<table>
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<tr>
<th>Goals &amp; Objectives</th>
<th>Activities</th>
<th>Outputs</th>
<th>Outcomes</th>
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<tr>
<td>Develop effective and sustainable civil equal justice leadership training and support infrastructure that reflects WA state’s equal justice core values and vision, is consistent with its Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State, and that has the capacity to:</td>
<td><strong>Phase 1</strong>, CLAE &amp; Steering Committee review and, as necessary modify, overall goals for the Equal Justice Leadership Training program, key elements of a sustainable Leadership Training infrastructure, and the initial Leadership Training Program to be undertaken in Phase 2.</td>
<td><strong>25 experienced leaders participate in Phase 2 Institute</strong></td>
<td><strong>Positional and non-positional leaders:</strong></td>
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<td><strong>Phase 2</strong>, CLAE leads intensive Leadership Training Program for experienced equal justice leaders, through which participants: 1) explore and refine their own development as leaders; 2) develop knowledge and skills necessary to serve as faculty and mentors in future leadership training programs; and 3) contribute to the further design of a leadership training and support program that most effectively reflects the WA community’s core values and vision, responds to the community’s specific context, interests and needs and includes mechanisms for supporting the developmental needs of leaders within the various sectors of the WA equal justice community.</td>
<td><strong>25 emerging leaders receive skillful mentoring through phase 4 program</strong></td>
<td>• Increasingly mirrors the diversity of the communities we serve;</td>
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<td></td>
<td><strong>Phase 3</strong>, evaluate Leadership Program success using previously developed criteria; document program evaluation; and implement changes in leadership training curriculum and structure for</td>
<td><strong>Subset of above leaders participate as mentors and faculty in Phase 5 Institute</strong></td>
<td>• Demonstrate the full range of leadership competencies and skills and a shared commitment to, facility with, and responsibility for advancing Alliance principles and values;</td>
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<td><strong>Preliminary strategies for providing leadership support to extended Alliance</strong></td>
<td>• Have the leadership tools and commitment to the Hallmarks necessary to respond to current and future challenges and opportunities;</td>
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<td><strong>Revised leadership curriculum based on input from phases 2 and 4</strong></td>
<td>• Reinforce and support each other’s leadership within and across all Alliance organizations, coalitions, committees and groups;</td>
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<td><strong>Revised/improved curriculum and leadership structure that responds to WA community</strong></td>
<td>• Recognize the ongoing importance of leadership development and are ready and willing to support others’ leadership development;</td>
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<td><strong>List of structural elements necessary to support ongoing</strong></td>
<td>• Are ready, willing and able to engage in active, vibrant, productive Alliance leadership relationships whenever and wherever the opportunities present themselves.</td>
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<td>• Experienced leaders able to serve as leadership institute faculty in future leadership institutes and in other arenas</td>
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<td>• Regularly sponsored, accessible leadership training programs available to extended Alliance</td>
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<td>• An established, sustainable core values-based</td>
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Phase 1 Deliverables, Pg. 20
### Deliverable Three: Preliminary Evaluation Criteria

#### Phase 1 Deliverables, Pg. 21

- **Establish leadership culture of high accountability for continuous feedback, critique, assessment, review, analysis, innovative problem-solving & improvement**
- **Customize differing levels of training intensity & investment to meet emerging leaders’ diverse needs**

<table>
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<th>Phase</th>
<th>Description</th>
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<td><strong>Phase 4</strong>, working with new Leadership Training Program faculty and mentors (e.g., those developed in Phase 2), CLAE will lead a second Leadership Training Program for new and emerging equal justice leaders.</td>
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<td><strong>Phase 5</strong>, CLAE will evaluate the success of the second Leadership Training Program using previously developed criteria; document program evaluation; and, review and, as necessary, modify the plan for ensuring long-term Leadership Training Program sustainability.</td>
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- **Evaluation criteria and methods for evaluating impact**
- **Leadership development infrastructure**

#### Statewide Equal Justice Alliance:
- Reflects the significant numbers of skilled, diverse, positional and non-positional leaders ready, willing, and able to take on new leadership challenges and roles as they arise;
- Consistently acts in accordance with the Hallmarks within and among its members and in its relationships, activities, and efforts with the people, entities and institutions that are integral to equal justice;
- Includes well-designed and integrated information systems that enable Alliance members to identify and foster potential and emerging leaders, and which will enable motivated individuals at all levels to seek Alliance leadership training and opportunity.

#### Established, sustainable core values-based leadership development infrastructure:
- Ensures an intentional, community-driven, high quality and consistent approach to leadership and mentor development;
- Is grounded firmly in the equal justice community’s history and context and that recognizes and encourages the creation of a new and unfolding equal justice narrative; and,
- Provides skill, opportunity, authority, and encouragement to lead across the full range of Alliance activities.
Deliverable Four:
Modifications to Leadership Institute Curriculum
What is the Leadership Development Institute? The Washington Alliance for Equal Justice Leadership Institute is a transformative, yearlong endeavor through which emerging Alliance leaders develop a comprehensive set of skills and concepts essential to the exercise of leadership across the full scope of Alliance and Alliance member/supporter activities.

Why now? Changes in the civil legal services delivery system, changing funding structures, client demographics and legal needs, and the inevitable cyclical economic and political changes that impact low income communities, have all combined in recent years to assert a new set of urgent challenges to which the Alliance community must respond. While the Alliance community’s founding generation is rapidly aging out and leaving our community, precious little attention has been paid to succession planning and leadership development. There is now an opportunity to create a more deliberate and systematic approach that not only builds upon the community’s achievements and lessons learned from the past, but also ensures the continuity and expansion of the equal justice movement in Washington.

New approaches to serving client needs through continued development of, and support for the civil legal services delivery system, though desperately required, tend to get lost in the shuffle of day to day work. While, in the early days of the legal services movement, the federal courts provided a powerful vehicle for creating new legal rights and protections for low-income people, today’s civil legal services delivery system operates in an ever more volatile political and economic environment with shifting, complex access barriers and more limited resources. The funding mechanisms that support our work are infinitely more complex now than they were previously. Washington’s civil legal services delivery system operates with dozens of funding sources, many of them tenuous and fleeting. As a result, programs are increasingly balkanized into a series of discretely funded projects in which it is often hard to discern an organization’s overarching mission and, even when stated, to find that mission reflected in its advocacy initiatives and resource commitments. Within this context, the need for new leaders at all levels, and who reflect the diversity of the advocacy community as well as the client communities we serve, is stronger than ever.

We encourage you to view your selection as a leadership fellow as an honor and a challenge. It carries a responsibility to use your unique vision, skills and personal attributes to strengthen our community and increase its effectiveness in serving our clients and building a more responsive and agile civil legal services delivery system. Whether your interests lean toward program management, client advocacy, justice systems reform, or broader social justice concerns, new perspectives, experimentation, and creativity are essential.

The Leadership Institute provides a laboratory for you to explore your own leadership potential and role within the current and future Washington Alliance for Equal Justice. Over the coming year, we invite you to be skeptical of conventional wisdom, open to new ideas, and willing to challenge the status quo. While we will continue to honor and learn from the extraordinary contributions of those Alliance leaders who came before us, we urge you to seek your own path through the process of learning, doing, and reflecting that is at the heart of this year long experience.
Welcome to the Washington Alliance for Equal Justice Leadership Institute! We are honored to have the privilege to work with you over the next year.

Leadership Development Institute Mission

The mission of the Washington Alliance for Equal Justice Leadership Institute is to create a broader, more diverse, skilled and effective community of positional and non-positional equal justice leaders.

Institute Vision

The Leadership Development Institute promotes leadership effectiveness grounded in the *Hallmarks of an Effective Civil Legal Services System (included beginning on page 5)*. As a result of our success, we envision the following changes in our community:

4. **A broad cadre of positional and non-positional leaders who:**
   a. Increasingly mirror the diversity of the communities we serve;
   b. Have participated in leadership development activities as leaders-in-training and mentors and share a common leadership language;
   c. Demonstrate the full range of leadership competencies and skills, and a shared commitment to, facility with, and responsibility for advancing Alliance principles and values;
   d. Know from where they have come and have the ability to change where they are going;
   e. Have the leadership tools and commitment to the *Hallmarks* necessary to respond to current and future challenges and opportunities;
   f. Reinforce and support each other’s leadership within and across all Alliance organizations, coalitions, committees and groups;
   g. Recognize the ongoing importance of leadership development and are ready and willing to support others’ leadership development; and,
   h. Are ready, willing and able to engage in active, vibrant, productive Alliance leadership relationships whenever and wherever the opportunities present themselves.

5. **A Statewide Alliance for Equal Justice that:**
   a. Includes the significant numbers of skilled, diverse, positional and non-positional leaders ready, willing, and able to take on new leadership challenges and roles;
b. Consistently acts in accordance with the *Hallmarks* within and among its members and in its relationships, activities, and efforts with the people, entities and institutions that are integral to equal justice;

c. Includes well-designed and integrated information systems that enable Alliance members to identify and foster potential and emerging leaders, and which will enable motivated individuals at all levels to seek Alliance leadership training and opportunities.
6. **An established, sustainable core-values-based leadership development infrastructure that:**
   
a. Ensures an intentional, community-driven, high quality and consistent approach to leadership and mentor development;

b. Is grounded firmly in the equal justice community’s history and context, and that recognizes and encourages the creation of a new and unfolding equal justice narrative; and,

c. Provides skill, opportunity, authority, and encouragement to lead across the full range of Alliance activities.
I. INTRODUCTION

The dictionary defines "justice" as fairness. The system for administration of our laws is called the justice system because the single most important principle upon which that system is premised is fairness. Our laws, however, are complicated. They are created by local, state, tribal and federal legislative and administrative bodies. They are interpreted and enforced by local, state, tribal and federal courts, administrative and other agencies. The volume and complexity of the laws and the procedures for their administration have made it increasingly difficult to effectively utilize the justice system without the help of a lawyer. That means for those who cannot afford a lawyer, access to the system does not necessarily mean access to justice.

Publicly funded legal services, or "legal aid," evolved in an effort to insure that poverty was not an insurmountable barrier to justice. Financial and political support for this effort has been inconsistent over the years. In 1994-95 that support sharply declined threatening significant reductions and restrictions on the availability of legal services for the low income. This led to a comprehensive review of Washington's statewide legal service delivery system and development of a plan to respond to this threat.

This review and planning process is an ongoing project. It has been facilitated and guided by the Access to Justice Board (ATJ Board), a coordinating and oversight body created by Order of the Supreme Court. The ATJ Board's first significant project was the development in 1995 of its Plan for the Delivery of Civil Legal Services to Low Income Persons in Washington State (State Plan). The State Plan included 18 recommendations for reconfiguring and supporting Washington's delivery system so as to preserve access for low-income clients to a full range of advocacy and services. In mid-1998, the ATJ Board, through its State Plan Evaluation Committee, began a process to determine how well the State Plan was working and to consider which aspects, if any, should be rethought. The Board presented its draft Revised State Plan and recommendations at the June 25-27, 1999 Access to Justice Conference in Wenatchee, and later adopted its final Revised Plan for Delivery of Civil Legal Services to Low Income People in Washington State (Revised State Plan) at its annual retreat on September 16, 1999.

In undertaking its planning responsibilities, the ATJ Board first sought to articulate a mission and vision of statewide equal justice. Based on this mission, it then attempted to identify those values that flow from the mission statement and which, in turn, lead to the identification of the components and capacities that seem necessary for the system to be effective.

The Hallmarks of an Effective Statewide Civil Legal Services Delivery System (Hallmarks), written in 1995, described the mission, values, components and capacities upon which the current
The statewide legal services delivery system is based. The Hallmarks have served the ATJ Network well and continue to guide state planning and ongoing delivery activities. However, many have commented over time that the hallmarks document is written in terms that are not clear to all. What follows is an effort to reduce the hallmarks to a more clear and concise statement of the ideals upon which the legal services delivery system is based and from which it continues to evolve. It is also an effort to generate statewide discussion about their continued relevance and assure that there is genuine consensus across the system and the state.

II. MISSION

Poverty should not be an impediment to Justice. The mission of the statewide legal services delivery system is to offer low income individuals and groups both direct representation and other legal assistance that enables them to:

- Protect and enforce their rights;
- Use the civil justice system to oppose laws, regulations, policies and practices that operate unfairly against them;
- Develop and implement laws, regulations, policies and practices that improve their quality of life; and
- Effectively advocate their legal rights and interests on their own behalf.

III. VALUES AND CAPACITIES

The following pages set out 15 values that are at the core of the Washington civil legal services system and to which the structure and operation of the system must remain loyal to assure equal justice for Washington’s poor and highly vulnerable. Following each of these values is a list of components and capacities necessary to make sure the legal services delivery system can faithfully serve each of these values.

1. The system’s effectiveness is dependent upon its commitment to assessing and responding to the most critical needs of clients as identified by low income clients and potential clients.

   - Regular assessment of client legal needs based on input from clients and potential clients, and those to whom clients go to talk about their needs.
   - A priority setting process in which client identified needs are given the greatest weight.
   - Legal resources are reconfigured and reallocated to address changed client priorities.
   - Training, coordination and support of legal advocates appropriate to existing and changing client needs.

2. Those in poverty have an equal right to justice regardless of who they are, where they live, or the language they speak.
Leadership Institute Mission & Vision

- Equitable distribution of resources around the state that assures all geographic regions have access to the most necessary services.

- Language and cultural competency to provide meaningful access to all client groups.

3. **The justice system must be barrier free.**

- A work plan that addresses inclusion, diversity and multicultural competency issues in the structure, leadership, relationship building and resource development of the legal services delivery system.

- Sensitivity and competence to identify and remove barriers to the legal services delivery system that may result from clients' education, race, national origin, tribal, ethnicity, cultural heritage, sex, age, religious preference, marital status, sexual orientation, sensory, mental and physical abilities, veteran status and other characteristics that impose barriers to the services and benefits of the legal services delivery system.

- Sensitivity and competence to help clients and client groups identify and address barriers in the justice system that may result from clients' education, race, national origin, tribal, ethnicity, cultural heritage, sex, age, religious preference, marital status, sexual orientation, sensory, mental and physical abilities, veteran status and other characteristics that impose barriers to the fair creation, implementation, administration or enforcement of our system of laws.

4. **A legal services delivery system is effective only to the degree that positive results are achieved for clients, particularly in areas of high priority client need.**

- Reports of client outcomes include information solicited from clients.

- Efforts are made to obtain longer term follow up information from clients after case closure.

- Report standards are keyed to client needs, adjusted to reflect changing client priorities, and are shared throughout the various parts of the system.

- An assessment process that recognizes that positive results include each client's opportunity to have his or her claims considered fully and fairly as well as "wins" where clients obtain the relief they sought.

5. **The right to justice must remain constant regardless of changing social, political, economic or other conditions in the country, state and communities where low income people live.**

- The system is vigilant for, and aware of, changes in the political and social environment and their impact on the lives and interests of individual and group clients.
· Client populations with distinct needs (e.g. migrant farm workers, institutionalized persons, Native Americans, senior citizens, refugees, etc.) are served irrespective of changes in political and social environments.

· Regardless of political or social pressures, client advocacy is consistent with RPCs, statues and court rules including the capacity to pursue all appropriate forms of relief in all appropriate forums.

· Restricted and unrestricted funds are allocated with the goal of providing the full range of services to all groups and individuals.

6. Resources must first be committed to those efforts and activities that are most likely to result in longest term benefits in areas of the most pressing client needs.

· System resources are deployed to address high priority areas of representation.

· Regional planning and coordination that avoids duplication and maximizes efficient use of system resources.

· Regional and statewide assessment of effectiveness of means and strategies used to address priority client needs.

7. Individual and group advocacy are both effective and necessary tools for addressing the legal interests of low income residents throughout the state.

· Legal resources set up to efficiently assist individual clients.

· Legal resources unrestricted in their ability to represent client groups, particularly where the relief sought has broader and/or more long-term benefit.

· Recognition of conflicts that may exist between the values and goals of individual clients and client groups with whom they are identified.

8. The most effective resolution of a "legal" problem may require the use of non-legal resources.

· Expertise in a full range of advocacy systems (courts, administrative hearings, alternative dispute resolution, etc.).

· Cooperative relationships with other advocacy resources, particularly those with experience and expertise in dispute resolution in non-legal disciplines.
Leadership Institute Mission & Vision

9. Low income people have a greater ability to control their own lives when they have accurate information and the skill, ability and opportunity to use that information to advocate on their own behalf.

- Programs and services that provide information, advice and skills training that help clients effectively advocate on their own behalf including self-help programs, community legal education, client and community outreach, hotlines, ADR programs, internet informational programs.

- Court and community education that promotes the opportunities for self-advocacy.

- Community based computer and internet access.

- Community based clinics.

10. Access to justice means access to and assistance in the places where decisions are made that affect peoples lives including courts and legislative and administrative bodies.

- Legal resources unrestricted in their ability to advocate on behalf of low income people before legislative and administrative bodies.

- The expertise and relationships to make legislative and administrative advocacy effective.

- Capacity and competency to address client needs in quasi and non-judicial settings.

11. Recruitment, coordination and thoughtful use of the components of a legal services delivery system are essential to the system's success.

- Recognition by the various components of the legal services delivery system that to make the system truly "client-centered" individual and group clients must be seen as a critical component of the system to be utilized in the advocacy process and not merely the beneficiary of that process.

- Maintenance of programs in as many varied configurations as are necessary to insure the low income population has a meaningful level of access to the broadest possible range of representation and other assistance.

- Collaborative relationships among staffed legal services programs; private attorneys; volunteer attorney programs; specialized advocacy programs; private and non-profit law
firms; justice system workers; other professional disciplines; social service providers; client groups and individual clients themselves.

- Communication, cooperation and coordination among these various components.
- Access and effective use of technological resources on a system-wide basis.

12. An outstanding delivery system consciously strives to avoid duplication of capacities and administration.

- Relatively uniform, highly accessible, user-friendly client intake, case evaluation and referral systems.
- Organizational relationships and structures that take advantage of economies of scale and actively promote the effective use of existing and emerging technologies.
- The effective use of existing and emerging technologies that reduce costs and provide better services.
- Regular evaluation of system programs to insure highest level of effectiveness and efficiency.

13. The system must embrace and reflect appropriate professional ethical and performance standards in every aspect of its practice.

- Ethical rules.
- Program policies.
- Performance expectations in ABA Standards for Providers of Civil Legal Services to the Poor.
- ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means.

14. While taking into consideration the needs of the clients statewide, the system should identify and respond to unique issues and special needs of clients within individual regions, communities and Indian nations.

- Regional planning and coordination.
- Community outreach.
15. The system must be organized and operated to insure that accurate and complete information about what the system does and how it does it is available to all.

- Comprehensive data collection across the system (consistent with client confidentiality requirements).
- Compilation of data from all components (consistent with client confidentiality requirements).
- Reporting of data in readable, user friendly form (consistent with client confidentiality requirements).
Leadership Institute Elements & Structure

The Washington Alliance for Equal Justice Leadership Institute includes the following components, each of which build upon and reinforce each other.

- **In-person training.** Fellows participate in four three-day in-person training events over the thirteen-month Leadership Development Institute.

- **Online training/follow-up via CLAE online campus.** The Leadership Development Institute includes regular online asynchronous (not at the same time) and synchronous discussions and learning activities conducted via the CLAE online campus. The online campus enables Fellows and mentors to continue learning, practicing and reflecting on new leadership concepts and skills between in-person gatherings.

- **Leadership “Toolkit”:** The Leadership Development Institute provides access to and opportunities to practice using a wide array of concrete leadership tools.

- **Mentoring relationships:** The Leadership Development Institute adds the critical component of creating and sustaining mentor relationships. Mentors are chosen based on their demonstrated leadership, commitment to the Alliance and willingness to support others’ leadership development. Mentors participate in an initial training program that introduces them to the Leadership & Justice curriculum and the skills necessary to serve effectively as mentors.

- **Leadership initiatives:** Each fellow works on at least one Alliance leadership initiative to which they apply new leadership concepts, skills and tools.

- **Leadership development opportunities:** Mentors and Alliance members and supporters ensure that fellows have actual opportunities, related to or beyond their specified leadership initiative, through which they can further develop leadership skills.

- **Program support:** Alliance members and supporters ensure that fellows and mentors have adequate time and necessary support to participate fully in the Leadership Institute.

- **Leadership Development Institute Oversight:** An Alliance oversight committee meets periodically to review Institute progress and effectiveness.
What We Mean by Facilitative Leadership

Leadership is not an end in itself.
Rather, our interest in strengthening leadership capacity is directly tied to our commitment to using our skills as equal justice advocates and Alliance members to make a positive difference in the lives of people who are low-income and otherwise marginalized within our society and to ensure the existence of a high-quality, responsive statewide civil legal services delivery system.

But what exactly do we mean by leadership? The following are examples of how different writers have defined leadership.

“Leadership is about change. It means intentionally achieving a helpful, ethical purpose and doing so in a process of reciprocal motivation between leaders and those they hope to lead.”

~Robin Gerber, “Leadership the Eleanor Roosevelt Way.”

“Leadership is the ability to bring people together to get things done.”
~Ronald Heifetz, “Leadership without Easy Answers”

“Leadership is the art of mobilizing others to ... struggle for shared aspirations.

“Leadership ... is the capacity of the human community to shape its future, and specifically to sustain the significant processes of change required to do so... Leaders are people who “walk ahead,” people genuinely committed to deep changes – in themselves and in their organizations.

~Peter Senge, “The Dance of Change”
This Institute is focused on the practice of “facilitative leadership.” By that we mean a particular form of leadership that:

- Is not based on positional power and absolute authority but rather on mutual respect and commitment
- Involves people wanting to participate in the leader’s initiatives, not having to
- Is characterized by meaningful engagement and involvement of the entire team responsible for an initiative, with power, authority, responsibility and accountability broadly and fairly shared
- Includes effectively communicating a vision in a fashion that motivates others, captures their imagination and inspires hope, and then letting that vision be further shaped by others
- Is effective in carrying out an initiative through careful analysis and planning to arrive at appropriate work plans and solutions
- Ensures maximum, appropriate stakeholder involvement in problem-solving, strategy development and decision-making
- Increases likelihood of success by developing concrete project plans
- Leaves participants in the effort with the ultimate feeling that they were responsible for the positive result achieved and that the initiative was theirs.

**Facilitative v. Positional Leadership:**

This is not to say that facilitative leadership and positional power are mutually exclusive. Some of the leaders who operate in this way are people with positional authority and some degree of unilateral power. Some of you will have been encouraged to participate in this Institute because you are seen as candidates to step into such positions.

Rather, the premise of the Institute is that positional authority, in and of itself, is not a leadership trait and that leadership and power are two different things. Persons with no positional power can be effective leaders and people with positional power can lack any real leadership capacity.

Throughout the Institute we will work from the assumption that effective leadership can be exercised from any place within an initiative or organization and that leadership is exclusive of position. But we would also observe that leadership once exercised effectively, is usually recognized (your programs have explicitly recognized your leadership potential in agreeing to your participation in this Institute), and that it is common that emerging leaders are quickly vested with authority by the organizations and initiatives that they are involved in. We believe that demonstrated leadership capacity is often a precursor to authority, not a result of it.
Leadership in the Equal Justice Community

Leadership is exercised through many roles and within many activities within the equal justice community and the participants in this institute represent that richness of role. A further premise of this institute is that no one role or leadership opportunity is inherently more important, richer or more central to our overall success than any other.

We begin from the premise that our collective role in society is first and foremost to promote the fair treatment and wellbeing of low-income communities and individuals. We are part of the efforts to alleviate poverty and reform our societal institutions to better serve our client communities’ needs. Within this context, the positional leader of an Alliance member or supporter is no more important or central to that effort than a creative and skilled advocate on the ground. For our clients to secure the results they need from our work, creative and effective leadership must be exercised across all areas of the Alliance and in all aspects of its work.

Washington Alliance for Equal Justice Leadership is Exercised in Many Contexts:

- In leading teams of advocates to take on complex and difficult advocacy initiatives;
- In catalyzing efforts to look deeply at our programs and make them genuinely responsive to their missions and the needs of our clients;
- In the day to day management of our organizations to ensure their effectiveness and efficiency;
- In working with community organizations and community based initiatives to solve community problems and build indigenous leadership that can carry on;
- In collaborations with regional, state and national organizations to frame new, more responsive public policies and to undertake campaigns to put these initiatives in place;
- In efforts to engage the private bar in service to our clients and in supporting our own legal assistance institutions;
- In increasing our clients’ awareness of their rights and their effective engagement in civil society;
- In educating and collaborating with national, state, and local government leaders, justice systems, public and private institutions and interests to insure political, community and financial support for the civil legal services delivery system.

Leadership is exercised within “leadership communities.” It is important to recognize that leadership is a role, not necessarily a position, and that strong leadership communities allow individuals to alternate between acting as leaders and followers depending on the situation.
Deliverable Five:

Recruitment and Selection of Participants in Phase 2 and Phase 4 Institutes
1) **Recommendations for Recruitment and Selection of Experienced Leaders to Participate in the Phase 2 Leadership Institute**

   a) **In Phase 2**, CLAE staff will lead an intensive Leadership Training Program for experienced equal justice leaders, sequenced over a period of 9 – 12 months, through which participants will: 1) explore and refine their own development as leaders; 2) develop knowledge and skills necessary to serve as faculty and mentors in future leadership training programs; and 3) contribute to the further design of a leadership training and support program that most effectively reflects the WA community’s core values and vision, responds to the community’s specific context, interests and needs and includes mechanisms for supporting the developmental needs of leaders within the various sectors of the WA equal justice community, including among others, community-based, volunteer, staffed programs, legal professional organizations, law schools, bar associations and the judiciary.

   b) **Target participant numbers & categories:** The Sub-Committee recommends accommodating a group of no more than 25 Experienced Leaders to participate in the Phase 2 Program to include the following categories of individuals:

   i) 25% positional leaders of Alliance organizations, e.g., CLS, NJP, TeamChild, NWIRP, pro bono leaders, etc.;

   ii) 25% field and pro bono client service advocates from the Alliance provider community;

   iii) 25% from community-based partners, including client/at-large members of Alliance for Equal Justice organizational boards or active committee folks;

   iv) 25% from Alliance/ATJ Board/justice community and justice-system leadership.

   c) **Additional Selection Criteria:** To be selected to participate in the Phase 2 program, applicants must be:

   i) Committed to furthering the mission of equal justice and developing new leaders;

   ii) Committed to participating in the entire Phase 2 Institute — including all four in-person retreat as well as between-retreat activities;

   iii) Willing to serve as a mentor in future Leadership Institutes for new and emerging leaders
2) **Recommendations for Recruitment and Selection of Emerging Leaders to Participate in the Phase 4 Leadership Institute**

   a) **In Phase 4**, working with new Leadership Training Program faculty and mentors (e.g., those developed in Phase 2), CLAE will lead a second Leadership Training Program for new and emerging equal justice leaders.

   b) **Target number of participants**: Assuming for now that there is not a one-to-one match of fellows to mentors in Phase 4, the Sub-Committee recommends a class of no more than 25 emerging leaders with participants coming from three categories:

   i) 25% positional leaders of Alliance organizations, e.g., CLS, NJP, TeamChild, NWIRP, pro bono leaders, etc.;

   ii) 25% field and pro bono client service advocates from the Alliance provider community;

   iii) 25% from community-based partners, including client/at-large members of Alliance for Equal Justice organizational boards or active committee folks;

   iv) 25% from Alliance/ATJ Board/justice community and justice-system leadership.

   c) **Additional Selection Criteria**: To be selected to participate in the Phase 4 program, applicants must be:

   i) Committed to furthering the mission of equal justice and developing new leaders;

   ii) Committed to participating in the entire Phase 4 Institute — including all four in-person retreats as well as between-retreat activities.

3) **Recommendations for Recruitment and Selection of Experienced Leaders to Serve as Mentors and Faculty in Phase 4 Leadership Institute.**

   a) **In Phase 4**, we will recruit mentors and faculty from the group of experienced leaders who participated in the Phase 2 program. Assuming that there is not a one to one match (mentors to fellows), a lesser number of mentors will be needed than total number who participated in the Phase 2 program. As such, mentors will be selected based on characteristics of participating emerging leaders and preferences and needs they identify — in terms of kinds of mentoring they seek — through their application materials.
Washington State Access to Justice Conference
Washington State Bar Association
Bar Leaders Conference

TRANSFORMATION
Crisis and Opportunity

Keynote Speakers:
Governor Chris Gregoire
Luis Ricardo Fraga
Russell E. Stark University Professor
University of Washington

June 4-6, 2010
Coast Wenatchee Convention Center
Wenatchee, Washington
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<tr>
<th>Time</th>
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<tbody>
<tr>
<td>10:00 am – 7:00 pm</td>
<td>Registration</td>
<td>Main Lobby</td>
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<tr>
<td>9:30 am – 5:00 pm</td>
<td><strong>Preliminary Conference Meetings</strong>&lt;br&gt;<strong>All meetings are at the Coast Wenatchee Convention Center</strong></td>
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<tr>
<td>10:00 am – noon</td>
<td><strong>WSBA Board of Governors</strong></td>
<td>Fuji 1, 2, 3</td>
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<tr>
<td>10:00 am – 2:00 pm</td>
<td><strong>Access to Justice Board</strong></td>
<td>Grand Apple South</td>
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<td>10:00 am – 5:00 pm</td>
<td><strong>Civil Legal Aid Oversight Committee</strong></td>
<td>Blossom</td>
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<tr>
<td>10:00 am – 5:00 pm</td>
<td><strong>Volunteer Attorney Program Staff and Specialized Legal Services Program Staff</strong></td>
<td>Red Delicious East/West</td>
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<tr>
<td>11:00 am – 5:00 pm</td>
<td><strong>WSBA Leadership Institute</strong></td>
<td>Gala 3-4</td>
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<tr>
<td>1:00 pm – 4:30 pm</td>
<td><strong>Legal Advocates Training – Community Collaborations</strong> (all are welcome)</td>
<td>Orchard Exhibit Hall South (Gala 1-2 will be used for break out sessions.)</td>
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<tr>
<td>1:00 pm – 4:30 pm</td>
<td><strong>Washington Association of County Law Libraries</strong></td>
<td>Fuji 4</td>
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<td>1:00 pm – 5:00 pm</td>
<td><strong>Practice of Law Board</strong></td>
<td>Harvest Room</td>
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<tr>
<td>1:00 pm – 5:00 pm</td>
<td><strong>WYLD Board of Trustees</strong></td>
<td>Golden Delicious East/West</td>
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<td>6:00 pm</td>
<td><strong>Welcoming Reception</strong> (appetizer buffet – no-host bar)**</td>
<td>Grand Apple Ballroom</td>
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<td><strong>Welcoming remarks</strong>&lt;br&gt;Judge Steven González, Chair, Access to Justice Board&lt;br&gt;Salvador A. Mungia, President, Washington State Bar Association&lt;br&gt;Keynote address by Dr. Luis Ricardo Fraga</td>
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<td><em>The Lawyer King</em>, presented by The Moderately Talented (Yet Plucky) Repertory Theatre of Justice</td>
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Registrants of the Bar Leaders Conference and the Access to Justice Conference are welcome to “cross over” between conferences. All workshops are open to registrants from both conferences.
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<td><strong>Registration</strong>&lt;br&gt;Check in/Registration/Lawyer Networking&lt;br&gt;Food available from 7:15 am - 8:15 am&lt;br&gt;Open access to conference room&lt;br&gt;&lt;br&gt;Check in and registration at <strong>Main Lobby</strong></td>
<td><strong>Main Lobby</strong></td>
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<tr>
<td>8:00 am – 5:00 pm</td>
<td><strong>Concurrent Sessions</strong>&lt;br&gt;Register and attend one concurrent session of your choice including&lt;br&gt;<strong>Golden Delicious</strong>&lt;br&gt;East/West&lt;br&gt;&lt;br&gt;<strong>Red Delicious</strong>&lt;br&gt;East/West&lt;br&gt;&lt;br&gt;<strong>Fountain Lobby</strong> Lower Level&lt;br&gt;&lt;br&gt;<strong>Ballroom North</strong> Grand Apple&lt;br&gt;&lt;br&gt;<strong>Ballroom South</strong> Grand Apple&lt;br&gt;&lt;br&gt;<strong>Ballroom North</strong> Grand Apple&lt;br&gt;&lt;br&gt;<strong>Ballroom South</strong> Grand Apple</td>
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| 8:00 am – 5:00 pm  | **Justice Joint: Discover the Lawyer King or Queen in You!**<br>Join our pride and learn how legal aid programs are helping their communities move through despair and hope in the circle of law. Our habitat also features Internet access, networking opportunities, snacks and coffee.<br>Taking place throughout the day with a compelling Marguerite Casey Foundation video, “Raising Hope: The Story of the Equal Voice Campaign.”<br><br>**Golden Delicious**<br>East/West<br><br>**Fountain Lobby** Lower Level<br><br>**Ballroom South** Grand Apple<br><br>**Ballroom North** Grand Apple |}

**Saturday, June 5**

_Not all meetings are at the Coast Wenatchee Convention Center_

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**Access to Justice and Bar Leaders Conference Plenary Session**

**Crisis and Opportunity: A Call to Action**

The economic downturn is wreaking havoc in our state. Leaders of our three branches of government and the organized bar will share their perspectives on the impact of the crisis on our justice system and the people it serves. They will ask us, as justice system stakeholders, to consider their ideas for addressing the crisis, and to commit to a collective “call to action” for transformative change.

**State Representative Mike Armstrong**, 12th Legislative District; **Professor John McKay**, Seattle University School of Law; **Chief Justice Barbara Madsen**, Washington State Supreme Court; **Salvador Mungia**, Washington State Bar Association; **Narda Pierce**, Office of the Governor

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**Lunch**

**Special Recognition to Governor Chris Gregoire**

Keynote address: **Governor Chris Gregoire**

Civil Equal Justice Advocacy Award presented to **Andrew Kashyap** and **Aurora Martin**, Columbia Legal Services

Access to Justice Judicial Leadership Award presented to **Judge Zulema Hinojos-Fall**, former WSBA Board of Governors

Access to Justice Leadership Award presented to **Mary Swenson**, former director, LAW Advocates

WSBA Pro Bono Award presented to **DLA Piper LLP, Seattle**

ATJ Board/WSBA Norm Maleng Leadership Award presented to **Lonnie G. Davis**, Alliance of People with Disabilities, former WSBA Board of Governors

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**Technology: Power Tools for Justice**

Development and advances in technology have provided the justice system with transformative tools that can effectively, efficiently and economically make available both information and services to vast numbers of people almost anywhere in minutes. These tools can serve and empower people who have been powerless, excluded, underserved – and do so in practical ways with concrete effects. These tools can also enable and make real diversity in the people we serve, inclusiveness in the justice system and those who govern and work in it, and enable intergenerational communication and cooperation and leadership development at all levels. Focused on understanding how to use technology to serve our fundamental values and deliver meaningful justice in the daily lives of all people, we will demonstrate important tools and opportunities available now, and some exciting future directions.

**Jim Bamberger**, Office of Civil Legal Aid; **Sue Encherman**, Northwest Justice Project; **Judge Don Horowitz** (retired); **Mike Katell**, Columbia Legal Services; **Carol Mahler**, Administrative Office of the Courts; **Brian Rowe**, ATJ Board Technology Committee

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**Advocates Unite! Protecting Children’s Rights in Times of Economic Crisis: We Can’t Afford Not To**

How are children’s legal rights and access to justice protected in times of crisis? What are advocates in Washington doing to leverage resources to ensure that children’s voices are not drowned out by budget cutting efforts? Children are the most vulnerable members of our society and often the least able to assert their legal rights. This workshop will provide participants with a hands-on interactive experience literally working through the barriers that low-income children face in navigating multiple systems of care. Issues raised in the client-simulation will be followed with information about how attorneys and advocates for children address the access to justice issues on an individual level. Participants will also hear about a number of litigation and policy reform efforts across the state, including the MacArthur Foundation’s $10 million investment in juvenile justice reform, policy work on the school to prison pipeline, and recent litigation activities addressing right to counsel in dependency and truancy cases and access to Medicaid-funded mental health services. These awareness building activities will be followed by an opportunity for participants to sign up for pro bono projects (like juvenile record sealing clinics or the lawyers fostering independence project) and trainings across the state.

**Starcia Ague**, Washington State University student; **Justice Bobbe Bridge** (retired), Washington State Supreme Court; **Anne Lee**, Teamchild

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**Serving Clients Respectfully: Ethical Challenges to the Justice System in Serving Diverse Client Communities**

Panelists will address inclusion, diversity and cross-difference professional competency needed to serve clients who face mental and physical disabilities, cultural, linguistic, poverty-related and other barriers to equal justice. As the crisis of unmet legal needs escalates, it is important for advocates to be sensitive to the needs of diverse client communities. Whether full-time advocate or pro bono attorney, it is important to understand some of the complexities of living in poverty as this intersects with other barriers faced by clients. Clients with disabilities, who come from different countries, who are of varying ethnic backgrounds and who identify as lesbian, gay or transgender have different experiences in our justice system. One workshop cannot address every client need, but we can look at issues clients face and provide some tools for serving them respectfully.

**David Carlson**, Legal Advocacy for Disability Rights Washington; **Laura Contreras**, Columbia Legal Services; **Merf Ehman**, Columbia Legal Services; **Erin Lennon**, Stoel Rives; **Julie Orr**, Davis Wright Tremaine; **Michele Storms**, University of Washington School of Law
Reset Your Practice in a Reset Economy

With changing times, lawyers may need to re-evaluate their practices. In addition, new and young lawyers are hard pressed to find a job right out of law school. Many lawyers are looking for ways to connect with other attorneys in their community, both to network and look for possible job leads and new clients. This session is intended to assist by presenting tools, concepts, and ideas for success in today's economy.

WSBA Board of Governor Patrick Palace, Palace Law Offices; Washington Young Lawyers Division
President-elect Kari Petrasek, Carson Law Group; Doug Reiser, Reiser Legal LLC; Pete Roberts, WSBA Law Office Management Assistance Program

Law School Student Reception

Limited to law students, program speakers, and invited guests.

Campaign for Equal Justice President’s Party (all are welcome)

The Applewood Grill is at 29 North Columbia, conveniently located behind the Coast Wenatchee Convention Center.
Sunday, June 6

7:30 am – 8:30 am
Breakfast buffet
Grand Apple Ballroom South

7:30 am - 10:00 am
Justice Joint
You will find your morning coffee here!
Golden Delicious East/West

8:30 am - 10:30 am
Current Immigration and Civil Rights Issues in Washington State
Fuji 1-4
The new Arizona immigration law (SB 1070) and recent events in Seattle have focused increased attention on these issues. The Access to Justice and Bar Leaders Conference Committees invite you to attend a special session to learn about these issues and discuss how our community should respond. A panel of experts will present, and facilitate a discussion about, proposed recommendations for legal, ethical and policy solutions.

Panelists: Jorge Madrazo (Narrator), Sea Mar Community Health Centers; Judge Steven González, Access to Justice Board; Jorge Barón, Northwest Immigrant Rights Project; Dan Ford, Columbia Legal Services; Shankar Narayan, American Civil Liberties Union; law enforcement representative(s)

Thank You for Attending!

Please help us evaluate the ATJ Conference and the Bar Leaders Conference by completing the online evaluation. The form can be accessed from either the ATJ Board website www.wsba.org/atj or the WSBA Bar Leaders website www.wsba.org/barleaders.

The ATJ Conference/Bar Leaders Conference has been accredited with eight (8) general CLE credits for Saturday and Sunday. Please make sure that you have signed the Attendance Record at the conference registration desk. Information about how the CLE credits will be added to your WSBA MCLE record is in the conference registration packet. In accordance with MCLE policy, we will report your attendance directly to the Washington State Bar Association.

You can find the link to electronic versions of all Access to Justice workshop materials at www.wsba.org/atj.

Bar Leaders Conference materials will be online at: www.wsba.org/barleadershomepage.htm.
Access to Justice Board’s Communications Committee

2011 Work Plan

Working Mission/Vision:
The goal of the Access to Justice Board’s Communications Committee is to build a common understanding about the value of equal justice for low-income and vulnerable people and how the Alliance for Equal Justice works together to narrow Washington’s justice gap. We facilitate internal communications for the Alliance for Equal Justice and external relations with the broader legal community and beyond. Through this work, the Communications Committee helps the Alliance build resources and support for legal aid and equal justice in Washington.

2011 Goals & Ongoing Responsibilities:

⇒ Alliance for Equal Justice Newsletter
   o Include communications training/tips in each newsletter
   o Focus on the challenges programs face amidst funding cuts/threats – how are they coping?
     What creative approaches are they taking? How does collaboration help?
     ▪ January – open houses and legislative session kickoff
     ▪ March – spotlight ELAP, legislative session continued
     ▪ May – focus on pro bono (coincide with Bar News issue) and the conference, report back on session and DC trip
     ▪ July – report back on conference
     ▪ September
     ▪ November

⇒ Bar News Contributions
   o Team up with PBLAC on a pro bono themed Bar News issue for May, 2011
   o Plan submissions for latter half of 2011

⇒ Media Relations/Messaging
   o Make this a focus in 2011
   o Orientation/communications training at the Conference and beyond
   o Follow up with conference workshop attendees if possible
   o Ensure that Alliance websites send people to same place for help – NJP’s CLEAR page – and incorporate key messages

⇒ Help with ATJ Board’s Outreach Task Force

⇒ Welcome Wagon
   o Develop process to welcome new staff to the Alliance – facilitate introductions, give orientation, etc.
   o Contact/Email all new Alliance staff/volunteers and send an orientation “packet” of materials via a link to the online orientation.
   o Hold a quarterly conference call, a “virtual lunch” to orient new Alliance members and share materials and answer questions
- Participate in the new advocate training

**2011 Meeting Dates**
ComCom meets the 2nd Tuesday of every other month – 9:30 a.m. to 11 a.m. at WSBA

- January 11
- March 8
- May 10
- July 12
- September 13
- November
PROTECT & STABILIZE KING COUNTY FAMILIES

Legal aid protects and stabilizes King County families struggling to survive economic crises, poverty and domestic violence. Every eviction or foreclosure avoided, every family protected from abuse, eases the strain on public resources while increasing long term benefits to families and children.

THE ALLIANCE FOR EQUAL JUSTICE works closely together to provide comprehensive legal help to struggling King County residents:

✓ EASTSIDE LEGAL ASSISTANCE PROGRAM: $60,000
  Provides critical legal assistance and protection for low-income victims/survivors of domestic violence. Legal aid is a proven resource in breaking the cycle of domestic violence.

✓ FAMILY ASSISTANCE PROGRAM AT SOLID GROUND: $25,500
  Provides legal help to vulnerable individuals whose state public assistance benefits have been wrongfully reduced, terminated or denied.

✓ NORTHWEST IMMIGRANT RIGHTS PROJECT: $10,000
  Offers immigration legal services to victims of domestic violence in King County to help victims become self-sufficient.

✓ TEAMCHILD: $199,900
  Creates immediate cost savings in juvenile justice by ensuring that youth have critical support in the community, like school, treatment and housing.

✓ UNEMPLOYMENT LAW PROJECT:
  $12,000
  Provides legal help to people seeking unemployment benefits who may be veterans, homeless, food-insecure or victims/survivors of domestic violence.

LEGAL AID is one of the top most requested services at King County 2-1-1. In the last two years, requests for legal assistance in King County skyrocketed:

- Unemployment Benefits ↑ 1458%
- Bankruptcy ↑ 248%
- Disability Lifeline ↑ 608%
- Food Stamps ↑ 1483%
- Federal Disability Benefits ↑ 310%
- Domestic Violence Advocacy ↑ 191%

Interest on Lawyer Trust Accounts ↓ 75%
IOLTA revenue continues to plummet. King County legal aid programs depend on these dollars to keep their doors open.

MAINTAIN LEGAL AID FUNDING IN 2011 BUDGET

Legal aid saves tax dollars and reduces the demand on law enforcement and court services by helping prevent homelessness, income loss and domestic violence. Many legal aid providers leverage King County funding to bring state and federal dollars into our local economy.

For more information call 206.447.8168 or email equalj@ejc.org.
Protect Funding for Civil Legal Aid

Ensuring access to justice through civil legal aid is a core responsibility of government. If justice is only available for the wealthy, there is no justice.

Legal aid can mean the difference between life and death, especially for families facing domestic violence, homelessness or inadequate medical care. The vulnerable in our society – children, domestic violence victims, returning veterans, seniors, the infirm and disabled, the socially and economically exploited – suffer the most when legal aid is not available.

Legal aid reduces devastating and costly social problems like homelessness, financial destitution and domestic violence. Every eviction or foreclosure avoided, every family protected from violence, every child kept in school, eases the strain on state resources and saves tax dollars while increasing long term benefits to families and children.

Legal aid ensures the fair administration of justice in our courtrooms and reduces the demand on court services and law enforcement. When people are forced to try representing themselves without legal expertise or familiarity with court procedures, the court’s ability to properly decide serious cases is undermined.

Demand for legal aid skyrocketing during the recession:
Source: King County Crisis Clinic’s 211 Community Information Line, comparison of January to June, 2008, to the same period in 2010.

- Requests for Domestic Violence Advocacy Nearly Tripled
- Veteran’s Benefits ↑ 467% (2009 to 2010)
- Home Foreclosure ↑ 492%
- Federal Benefits ↑ 300%
- Food Stamps ↑ 1483%
- Unemployment Benefits ↑ 1458%

Norm is a severely mentally ill Vietnam-era Navy veteran. Norm was living in his car in Bellingham when NJP intervened. Norm had no source of income since being terminated from federal Supplemental Security Income (SSI), food assistance and veteran’s benefits several years previously, after the Social Security Administration (SSA) and the Veterans Administration received a computerized notification that he had an outstanding warrant from Florida. NJP’s investigation revealed that, in fact, the warrant had been quashed and Norm was eligible for benefits.

NJP helped Norm apply for and receive Disability Lifeline and emergency food benefits to provide him with immediate short-term relief. After obtaining his veterans’ service record, NJP contacted a veterans’ service organization to help restore Norm’s veteran medical benefits. NJP was also able to document Norm’s eligibility for federal benefits - the local SSA office accepted Norm’s application and restored his SSI benefits so this veteran was able to find the housing, income and medical care he needed to survive.

Access to a legal aid attorney can help families in crisis preserve their homes, shield themselves from domestic violence, thwart fraudulent or predatory practices, and maintain employment, healthcare and financial stability.

Published by the Equal Justice Coalition. For more information, call 206.447.8168 or email nell@ejc.org.
Northwest Justice Project

As Washington’s publicly funded legal aid program, NJP provides free civil legal assistance and representation to low-income individuals, families and communities suffering the brunt of the economic crisis.

Northwest Justice Project is the hub of Washington’s nationally recognized delivery system. Washington’s network of legal aid providers – the Alliance for Equal Justice – work together to ensure effective client service.

NJP operates CLEAR, a statewide toll-free hotline providing intake screening, legal advice, assistance and referral, while NJP’s 17 regional offices provide extended legal advocacy and representation to low-income people across the state.

Northwest Justice Project and its partners coordinate services and use technology to increase efficiency:

- Leverage state funds to produce 70,000 hours of volunteer lawyer time each year.
- Operate CLEAR, a coordinated statewide legal aid intake hotline.
- Maintain WashingtonLawHelp.org, an extensive legal self-help center for the thousands of people who are forced to appear in court without an attorney.
- Share a statewide case management system and provide malpractice insurance for volunteer attorneys.
- Use video conferencing to reduce travel and training costs.

NJP’s CLEAR help line is the principal gateway into the statewide legal aid system for low-income residents in all counties of the state with the exception of King County.

- 192,642 calls to CLEAR in 2009, an average of 527 calls each day
- CLEAR attorneys close an average of 719 cases each year

Manny and Ana’s son, Sam, was forced to undergo a tracheotomy and was depending on a ventilator to breathe. The young boy required full-time nursing care to remain clinically stable while living at home. Suddenly the family faced a new nightmare: their insurance company refused to cover the nursing care, asserting that the family’s health insurance policy did not cover it. NJP’s Seattle office represented the family and prevented termination of the nursing benefits. By requiring the private insurance company to pay these benefits, Sam has been able to continue living at home with his parents.

NJP’s intervention saved the state more than $100,000 per year in Medicaid costs that would have been incurred had the insurance company successfully avoided paying for the child’s nursing benefits.

The Northwest Justice Project handles nearly 20,000 cases each year, providing critical legal assistance to meet the basic human needs of more than 40,000 struggling Washington residents.

Published by the Equal Justice Coalition. For more information, call 206.447.8168 or email nell@ejc.org.
Join the Thurston County Courts for an Open House
Co-sponsored by the Justice in Jeopardy Initiative

Wednesday, January 5, 2011
1:00pm-4:30pm

Thurston County Superior Court Main Courtroom
2000 Lakeridge Dr. SW, Olympia, WA

1:00pm-1:30pm: Opening remarks by Washington Supreme Court Chief Justice Barbara Madsen,
Thurston County Superior Court Presiding Judge Paula Casey, and Thurston County
District Court Presiding Judge Brett Buckley

1:30pm-4:30pm: Justice at Work Open Court

- Court will be in session – see justice at work. Maps and volunteers will be available to help
  you find what interests you and to answer your questions.
- Learn about court programs and services from the people who have benefitted from them.
- See demonstrations of court records maintenance and how the public can access them.
- Visit resource tables and ask questions about public defense, self-representation, legal aid
  for low-income persons, court interpreters, family court facilitation, CASA, and more.
- Mingle with judges, public officials and private citizens.
- Find out what you can do to ensure justice for all in WA.

Save the Date for

Justice at Work Open Court:
King County
February 8, 2011

For more info, please contact Lorrie Thompson at
lorrie.thompson@courts.wa.gov or 360.705.5347

For more information about the Justice in Jeopardy Initiative, see www.courts.wa.gov/justiceinjeopardy
JUSTICE AT WORK OPEN COURT

Join the King County Courts for an Open House
Co-sponsored by the Justice in Jeopardy Initiative

Tuesday, February 8, 2011
12:30pm-4:00pm

King County Superior Court Presiding Courtroom
9th Floor - 516 3rd Ave., Seattle, WA 98104

12:30pm-1:00 pm: Registration; court service resource tables
1:00pm-1:45pm: Opening remarks by Superior Court Presiding Judge Richard McDermott and
District Court Presiding Judge Barbara Linde, and narratives from King County Court users
1:45pm-3:00pm: Justice at Work Open Court
  - Court will be in session – see justice at work. Guided and self-guided tours of the courts
    will be available.
  - Learn about court programs and services from the people who have benefitted from them.
  - See demonstrations of electronic court records and learn how the public can access them.
  - Visit resource tables and ask questions about public defense, self-representation, legal aid for low-income persons, court
    interpreters, family court services, CASA, and more.
  - Mingle with judges, public officials and private citizens.
  - Find out what you can do to ensure justice for all in WA.
3:00pm-4:00pm: Reconvene for an informal Q&A session

RSVPs not required but are appreciated, to Nell McNamara
at nell@ejc.org or 206.447.8168

For more information about the Justice in Jeopardy Initiative, see www.courts.wa.gov/justiceinjeopardy
November 18, 2010

Justice Charles Johnson, Chair
Supreme Court Rules Committee
Temple of Justice
PO Box 40929
Olympia, WA 98504

Re: Proposed Amendments to GR 33

Dear Justice Johnson:

At its November 12, 2010 meeting, the Access to Justice Board (ATJ Board) approved proposed technical amendments and comments to GR 33 submitted on October 28 by Hon. Anne Ellington. Judge Ellington was acting in her capacity as a member of the Disability Access Subcommittee of the ATJ Board’s Justice Without Barriers Committee.

It is my understanding that the Supreme Court Rules Committee has voted to recommend to the Court that it approve these amendments under the emergency provisions of GR 9, subject to the ATJ Board’s endorsement.

Thank you for your attention to this important matter.

Sincerely,

[Signature]

Judge Steven C. González, Chair
Access to Justice Board

Cc: Nan Sullins, Administrative Office of the Courts
Hon. Anne Ellington
Access to Justice Board
December 17, 2010

Washington State Bar Assn.
Ms. Paula Littlewood, Executive Director
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539

Office of the Code Reviser
Attn: Kerry Radcliffe
P.O. Box 40551
Olympia, WA 98504-0551

Lexis-Nexis
Mr. Chris Connor
8891 Gander Creek Drive
P.O. Box 8809 Building 8
Dayton, OH 45401

Mr. Eric Sandve
Mr. Bion Beebe
Ms. Elizabeth Pease
Ms. Jolene Klocker
Thomson/Reuters
610 Opperman Drive
Eagan, MN 55123-1396
(as attachment to email)

Washington Association of Prosecuting Attorneys
Ms. Pamela Loginsky, Staff Attorney
206 10th Avenue
Olympia, WA 98501
(as attachment to email)
Re: WASHINGTON COURT RULES

Enclosed is the following order was entered by the Washington State Supreme Court on December 2, 2010.
THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF
THE AMENDMENT TO GR 33-REQUESTS
FOR ACCOMMODATION BY PERSONS
WITH DISABILITIES

ORDER

The Washington State Access to Justice Board having recommended the adoption
of the proposed amendment to GR 33-Requests for Accommodation by Persons with
Disabilities, and the Court having determined that the proposed amendment will aid in
the prompt and orderly administration of justice and further determined the need for
expedited adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published expeditiously and become effective

upon publication.

DATED at Olympia, Washington this 2\textsuperscript{nd} day of December, 2010.

Madsen, C.J.

Gonzalez, C.J.

Fairhurst, J.

Mirenda, J.

Stephens, J.

599/159
GENERAL RULE (GR) 33

Requests for Accommodation by Persons with Disabilities

(a) Definitions. The following definitions shall apply under this rule:

(1) "Accommodation" means measures to make each court service, program, or activity, when viewed in its entirety, readily accessible to and usable by a qualified person with a disability, and may include but is not limited to:

(A) making reasonable modifications in policies, practices, and procedures;

(B) furnishing, at no charge, auxiliary aids and services, including but not limited to equipment, devices, materials in alternative formats, qualified interpreters, or readers; and

(C) as to otherwise unrepresented parties to the proceedings, representation by counsel, as appropriate or necessary to making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by a person with a disability.

(2) "Person with a disability" means a person with a sensory, mental or physical disability as defined by the Americans with Disabilities Act of 1990 (§ 42 U.S.C. 12101 et seq.), the Washington State Law Against Discrimination (RCW 49.60 et seq.), or other similar local, state, or federal laws.

(3) "Proceedings Applicant" means any lawyer, party, witness, juror, or any other individual who has a specific interest in or is participating in any proceeding before any court.

(4) "Court" means any court or other agency or body subject to the rulemaking authority of the Supreme Court.

(4) "Public Applicant" means any other person seeking accommodation.

(5) "Person with a disability" means a person covered by the Americans with Disabilities Act of 1990 (§ 42 U.S.C. 12101 et seq.), RCW 49.60 et seq., or other similar local, state, or federal laws. This term includes but is not limited to an individual who has a physical or mental impairment that limits one or more major life activities, has a documented history of such an impairment, or is regarded as having such an impairment.

(5) "Qualified person with a disability" means a person with a disability who is otherwise entitled to participate in any program, service, or activity made available by any court.
(b) Process for Requesting Accommodation.

(1) Persons seeking accommodation may proceed under this rule. Local procedures not inconsistent with this rule may be adopted by courts to supplement the requirements of this rule. A disputed or denied request for accommodation is automatically subject to review under the procedures set out in subsections (d) and (e) of this rule.

(4) An application requesting accommodation may be presented ex parte in writing, or orally and reduced to writing, on a form approved by the Administrative Office of the Courts, to the presiding judge or officer of the court or his or her designee.

(2) An application for accommodation shall include a description of the accommodation sought, along with a statement of the impairment disability necessitating the accommodation. The court may require the applicant to provide additional information about the qualifying impairment disability to help assess the appropriate accommodation. Medical and other health information shall be submitted under a cover sheet created by the Administrative Office of the Courts for use by applicants designated "SEALED MEDICAL AND HEALTH INFORMATION" and such information shall be sealed automatically. The court may order that such information be sealed if it has not previously automatically been sealed.

(4) An application for accommodation should be made as far in advance as practical of the proceeding for which the accommodation is sought.

(c) Consideration. A request for accommodation shall be considered and acted upon as follows:

(1) In determining whether to grant an accommodation and what accommodation to grant, the court shall:

(A) consider, but not be limited by, the provisions of the Americans with Disabilities Act of 1990 (§ 42 U.S.C. 12101 et seq.), RCW 49.60 et seq., and other similar local, state, and federal laws;

(B) give primary consideration to the accommodation requested by the applicant; and

(C) make its decision on an individual- and case-specific basis with due regard to the nature of the applicant's disability and the feasibility of the requested accommodation.

(2) If an application for accommodation by a proceedings applicant is filed submitted five (5) or more court days prior to the scheduled date of the proceeding for which the accommodation is sought, and if the applicant otherwise is entitled under this rule to the accommodation requested, the accommodation shall be provided unless:
(A) it is impossible for the court to provide the requested accommodation on the
date of the proceeding; and
(B) the proceeding cannot be continued without prejudice to a party to the
proceeding.

(3) If an application for accommodation by a proceedings applicant is filed submitted
fewer than five (5) court days prior to the scheduled date of the proceeding for which the
accommodation is requested, and if the applicant otherwise is entitled under this rule to
the accommodation requested, the accommodation shall be provided unless:

(A) it is impractical for the court to provide the requested accommodation on the
date of the proceeding; and
(B) the proceeding cannot be continued without prejudice to a party to the
proceeding.

(4) If a requested accommodation is not provided by the court under subsection (c)(2) or
(c)(3) of this rule, the court must offer the applicant an alternative accommodation.

(d) Denial: Proceedings Applicants. Except as otherwise set forth in subsection
(c)(2) or (c)(3) of this rule, an application for accommodation by a proceedings applicant
may be denied only if the court finds that:

(1) the applicant has failed to satisfy the substantive requirements of this rule;
(2) the requested accommodation would create an undue financial or
administrative burden;
(3) the requested accommodation would fundamentally alter the nature of the
court service, program, or activity; or
(4) permitting the applicant to participate in the proceeding with the requested
accommodation would create a direct threat to the health or safety or well-being
of the applicant or others.

(e) Order Decision: Proceedings Applicants. The court shall, in writing or on the
record, inform the applicant and the court personnel responsible for implementing
accommodations that the request for accommodation has been granted or denied, in
whole or in part, and the nature and scope of the accommodation to be provided, if any.
The decision shall be entered in the proceedings file, if any, or in the court's
administrative files. The court shall issue an order consistent with its decision. If the
court denies a requested accommodation pursuant to section (d) of this rule, the order
decision shall specify the reasons for the denial. If a requested accommodation is not
provided by the court under subsection (c)(2) or (c)(3) of this rule, the court's shall state
order shall include a description of:
(1) the facts and/or circumstances that make the accommodation impossible
under subsection (c)(2) or impractical under subsection (c)(3); and
(2) the reasons why the proceeding cannot be continued without prejudicing a
party to the proceeding.

The court shall inform the applicant and the court personnel responsible for
implementing accommodations that the request for accommodation has been granted
or denied, in whole or in part, and the nature of the accommodation to be provided, if
any.

(f) **Decision: Public Applicants.** A public applicant should be accommodated
consistent with the ADA of 1990 (42 USC 12101 et seq) and the WLAD (RCW 49.60 et
seq). The applicant shall, orally or in writing, be informed that the request for
accommodation has been granted or denied. If requested, a written statement of
reasons for denial shall be provided.

**Duration of Accommodation.** The accommodation ordered shall commence on the
date set forth in the order granting the accommodation and shall remain in effect for the
period specified in the order, which may be extended as the court deems appropriate.
The court may grant an accommodation for an indefinite period or for a particular
proceeding or appearance.

**Comment**

[1] Access to justice for all persons is a fundamental right. It is the policy of the courts of
this state to assure that persons with disabilities have equal and meaningful access to
the judicial system. Nothing in this rule shall be construed to limit or invalidate the
remedies, rights, and procedures accorded to any person with a disability under local,
state, or federal law.

[2] Supplemental informal procedures for handling accommodation requests may be
less onerous for both applicants and court administration. Courts are strongly
encouraged to adopt an informal grievance process for public applicants whose
requested accommodation is denied.
PRESS RELEASE - September 17, 2010

SUBJECT: Washington residents gain increased technology access, job skills, and legal services from $4.1 million federal recovery act grant

FOR MORE INFORMATION CONTACT:
Karen Manuel, Director of Digital Inclusion Initiatives
(425) 977-4745
kmanuel@edlabgroup.org

Grant Expands Access to Broadband, Job Training and Legal Resources Across Washington

Lynnwood, WA. EdLab Group has been awarded a $4.1 million public computing center grant from the Department of Commerce National Telecommunications and Information Administration (NTIA) Broadband Technology Opportunity Program (BTOP) for the Communities Connect Network Project. Yesterday’s joint announcement by the Department of Commerce and Department of Justice highlighted the importance of this grant to increase access to technology and legal services, develop job skills, and encourage broadband adoption for vulnerable residents in across Washington State.

The Communities Connect Network Project will serve unemployed, low-income, disabled, immigrants, and youth through over 39 libraries, non-profit organizations, public housing, community centers, and justice centers in 10 counties of Washington State.

“The grant expands access to public computers and digital literacy tools, giving people in underserved communities the means to access such on-line services as job training, health information, and educational resources,” said Senator Maria Cantwell. “These funds will provide access to key on-line resources, empowering over 4,000 new users per week, nearly doubling the current user total.”

Washington Governor Christine Gregoire noted, “This is wonderful news for Washingtonians who have been left behind because of lack of access to broadband services in rural and urban communities. This grant will allow programs to reach at-risk and low-income youth, help individuals obtain their GEDs and assist our state’s unemployed and lower income residents as they seek to improve their lives through education and training enabled by broadband access.”

Read more and see the list of sites at www.edlabgroup.org.

The mission of the EdLab Group is to leverage the power of technology and diversity to transform teaching and learning. A dynamic organization dedicated to educational innovation, the EdLab Group manages multiple federal projects, nationally and regionally, focusing on digital inclusion and increasing access to science, technology, engineering, and mathematics (STEM) for populations often underrepresented in these areas.

EdLab Group, 19020 33rd Ave. W., Ste. 210, Lynnwood, WA 98036
Working Paper:
Living History of the Washington State Access to Justice Movement
(October 27, 2009)

Underlying Purpose

The Access to Justice Movement is now decades old. Its “historians” who carry the living memory of the equal justice struggle, its accomplishments, its set-backs and failures, have left us, or will inevitably be leaving us at some point. Thus far, they do so without leaving those who succeed them with a retrievable and coherent legacy that empowers them to act based on knowledge of their own history (“Those who do not learn from history are doomed to repeat it.”—Thomas Jefferson).

If we do not rectify this, new leaders will forge ahead without the advantage of historical perspective, knowledge of critical events or persons, a full understanding of the history of key struggles to define a coherent and consistent vision and values and the difficult decisions that have been made to act upon that vision and those values when threatened by external circumstances. Many who come into the Movement think that the current configuration of the legal aid delivery system is what it always has been. They do not know how and why it evolved.

A living history will allow current and future leaders to understand the equal justice story and transmit it from one generation to the next so that a dynamic, forward-thinking community can meet new challenges and make new decisions based on knowledge and history, and can make intentional decisions to change or alter the course laid down by others in the past when they no longer serve the client community and the equal justice vision as well as they should.

The living history is the story of the equal justice movement; and it is the generational duty of those who lived it to pass it on.

Overview

The ATJ Board, its committees, and other Alliance partners have been working on related initiatives addressing leadership development, strategic communications, fundraising and friend-raising, orientation of new Alliance members and partners, innovative uses of technology, and the digitalization and archiving of the documentation of the history of access to justice in Washington State.

This working paper outlines a proposal to address these goals through the development of a wide-ranging searchable online “living history” of the Access to Justice Movement in Washington State. The history would capture information relating to the movement’s history, personalities, culture, values, political and funding challenges and evolution over time. A central objective is to frame the history mentioned above by telling the stories in ways that reflect and perpetuate the core values that have endured over the course of more than four decades – values that have served as the light of inspiration that has enabled us to maintain our focus, persevere and continue on in good times as well as the darkest of times. This two-year
project would be implemented with non-competing (to the Alliance for Equal Justice) resources. The project would be overseen by the Access to Justice Board.

The Problem

Washington State has a long, rich and sometimes painful history of struggle to provide civil legal aid to the poor, beginning in the mid-1900’s with volunteer lawyer efforts to provide civil legal aid to those without the means to afford representation, joined by staffed legal aid programs. This history includes the building of direct client service capacity, significant litigation, legislative advocacy and administrative rule-making, as well as the establishment of infrastructure to provide support to the programs providing civil legal aid services, and support to the low income communities that they serve. This history includes the story of the long road to win strong support for civil legal aid by the organized bar, the courts, the law schools and many other justice system partners. Woven into these decades of activity are hundreds -- even thousands -- of legal aid lawyers, volunteer attorneys and other advocates, bar leaders, judges and justices, clients and community-based organizations who have provided the leadership to create a values-based Access to Justice “Movement” that has become an integral part of the framework and operation of this state’s justice system. This Movement is built upon, and sustained by a common vision -- “Equal Justice for All,” and a set of core values. The core values direct that no one should be written off or written out of our justice system; that the system be client-centered; that inclusion, diversity & cross-difference competence are a justice imperative; and that there is a commitment to an integrated, coordinated and collaborative approach to providing equal justice.

The documentation of the history “lives” in many places: in boxes of files and documents gathering dust in offices and storerooms throughout the state; in reported cases, court rules and legislation; on websites; in institutional records (e.g., Board of Governors, ATJ Board, local civil legal aid providers); in lists of volunteers and financial contributors, and on coffee-stained napkins and scraps of paper. Much of this history has not been recorded, but rather lives in the fading memories of those who were present as it unfolded, many of whom are now in their sixties, seventies and eighties.

While there have been sporadic efforts over time to track and chronicle this history (e.g., the Equal Justice Timeline, written histories of key aspects of the Movement), these efforts constitute a series of snapshots, and are not part of a current, contextual or easily retrievable narrative. The growing complexity and maturity of the ATJ Movement and the generational change occurring in this state requires a corresponding need for accurate, timely and accessible information about its history and those who have played key roles in shaping it. The “aging out” of those who currently serve as repositories of information compels us to capture that history before it is lost forever.

The Goal
The proposed solution to the problem is to create a dynamic living history of the Washington State Access to Justice Movement. This would take the form of a comprehensive online narrative history linked to a database, searchable by suggested categories such as:

a. By event: The existing *Equal Justice Timeline* would be updated and provide the template for the chronology and inventory of notable events.

b. By geography: Individuals, entities and events could be searched by geographic area.

c. By litigation/legislation/regulation/court rule

d. By document/report/study: Examples include the Supreme Court’s Report from its Task Force on Civil Equal Justice Funding, the ATJ Board’s State Plan, a multitude of bar studies and reports.

e. By institutions: All past and present members and supporters of the Alliance for Equal Justice

f. By Individuals: This database could be searched by the following categories. Significantly, we could create and provide oral histories of key leaders and those who were present at key events and can chronicle them.

   i. Role(s) in the Movement

   ii. Geography

   iii. Affiliation(s)

*Example: What has been the role of the Supreme Court in the struggle for stable and adequate civil legal aid funding?* There would be a written narrative of the history of the Court’s involvement, including its Task Force on Civil Equal Justice Funding and subsequent involvement in state funding efforts. That narrative would be accessed from the Equal Justice Timeline or found through key words. The narrative would have links to legislation creating the Office of Civil Legal Aid and drafts of prior legislative efforts, the Task Force Report and Recommendations, and the status of those recommendations. The narrative would also have links to information about the individuals on the Task Force. There will be oral histories by leaders such as Retired Chief Justice Richard Guy and Chief Justice Gerry Alexander regarding their perspectives on the evolution of the role of the Supreme Court’s leadership role in promoting support and ally-ship with the Access to Justice efforts in this state.

The Access to Justice Board will oversee development of the project. As part of that charge, the ATJ Board will be called upon to make recommendations on the permanent hosting and funding of the project.

**Practical Applications of the Living History**

The immediate need for this project has been articulated by several ATJ Board Committees (Nominating and Leadership Development, Equal Justice Coalition, Communications, Technology), that are joining together from separate tracks, looking for technological and
communication tools to more effectively accomplish their respective related goals. These include, but are not limited to the following:

- Identifying new committee members;
- Recruiting and developing new leadership for the ATJ Movement;
- Crafting, updating and disseminating uniform orientation and training materials for new Alliance members, supporters and those who serve poor and disadvantaged client communities;
- Soliciting volunteer, financial and other support; and
- Strategic communications.

A searchable data base is a tool that will have broad application. There is no uniform database of past, current or potential justice system leaders in this state. Indeed, there are no lists whatsoever, other than what is maintained by individual entities for their own specific and limited purposes. Information about the history of an individual’s involvement in the ATJ Movement is passed on by word of mouth (if known) or gleaned from a resume, which makes this a “hit or miss” endeavor. Since we lack a comprehensive, systematic and intentional approach to identifying potential new leadership, the same leadership is tapped, and “brainstorming” for potential leaders becomes the norm. The ATJ Board has been criticized by some for being a “closed” system, even as the ATJ Board strives for a broad and diverse membership on its Board and committees.

Similarly, there is a need for uniform orientation materials for new volunteers, new staff and new justice system leaders. Currently every board, committee and program plans and implements its own orientation process. It is unlikely that many of these orientations include uniform contextual information (if any) about the ATJ Movement, including its history, core values and partners. The effectiveness of the ATJ Movement in this state has been its adherence to its core values, to strong collaboration with key partners, and to effective communication about its mission. Conversely, many of the stumbling blocks over the years can be traced to a lack of understanding by certain leaders in the justice community about their roles and responsibilities as part of an integrated, collaborative and coordinated state justice community.

The living history would provide a blueprint for cataloguing and archiving the documentary history of the ATJ Movement, which currently resides in boxes, files and on a variety of web sites. The narrative history would link to all relevant documents. A significant aspect of the living history would be the taping of oral histories of key ATJ Movement leaders. The purpose is to capture thoughts, impressions and memories which cannot be documented in other ways – and which will make this living history a true living document.

Significantly, it is anticipated that the proposed living history would empower the underlying work of advocates and others in the ATJ Movement, from one generation to the next.
Methodology

Although this project is unique in state and national ATJ communities, it is not a new idea. For example, http://www.historylink.org/ is an online encyclopedia of Washington State history. The Public Broadcasting System (PBS) uses a timeline with links to provide a quick overview of major events in World War I (http://www.pbs.org/greatwar/timeline/). The ad hoc team working on this idea identified a number of potential partners with relevant expertise that may have an interest in lending expertise to this project. They include the University of Washington Information School, the Secretary of State’s Legacy Program, the Evans School of Public Affairs, and the state’s three law schools.

The two-year project we propose will require outside non-competitive funding for its development and implementation. The authors of this working paper have committed to identifying potential funding sources which are revenue-neutral for the Alliance.

Role of the ATJ Board

The ad hoc team that has drafted this working paper believes that the Access to Justice Board would be the appropriate initial “incubator” for this project, and suggests that the ATJ Board formally approve this project in concept and allow the authors to develop a draft proposal for ATJ community input and broadened participation and ownership of the project, and develop a preliminary list of potential funders.

Timing

We request that the ATJ Board place this Working Paper on its November 13, 2009 meeting agenda for discussion and action.

Ad Hoc Team

Jim Bamberger, Greg Dallaire, Joan Fairbanks, Dan Ford, Judge Elizabeth Fry, Don Horowitz, Mike Katell, Ada Shen-Jaffe, Michele Storms
Washington State Supreme Court

Access to Justice Board

Equal Justice Coalition

Federal Legal Services Corporation (LSC)

State Office of Civil Legal Aid (OCLA)

IOLTA Legal Foundation of Washington

Charitable Campaign for Equal Justice/Endowment for Equal Justice and other efforts

Northwest Justice Project
Hub of Legal Aid System:
17 offices, CLEAR legal aid hotline, washingtonlawhelp.org

Volunteer Lawyer Programs

Specialty Legal Aid Programs

As of October 2009, WSBA officially endorses the Campaign for Equal Justice efforts

More than 70,000 Families and Individuals Struggling to Survive Poverty While Facing Urgent Legal Problems

Funding Partners:
local government, special purpose grants, community action programs, etc. to individual legal aid programs
WASHINGTON STATE ACCESS TO JUSTICE BOARD
Significant Accomplishments
(1994 –2011)

Recognizing that access to the civil justice system is a fundamental right, the Access to Justice Board (ATJ Board) works to achieve equal access for those facing economic and other significant barriers. Every aspect of the Board’s work has a direct impact on the elimination of bias and barriers in the justice system. A body with no formal power or authority, the ATJ Board has nevertheless established itself as a permanent fixture in Washington State’s civil equal justice landscape. The ATJ Board, in collaboration with its many partners in the Washington State Alliance for Equal Justice, has accomplished much during its first seventeen years. Its current initiatives expand on these accomplishments, described below.

1. **Unifying Vision, Values and Planning:** The ATJ Board is the primary planning body for all matters relating to the delivery of civil legal aid services in Washington State. It has adopted a vision and set of unifying core values (the Hallmarks) in which all initiatives are grounded. Its State Plan details the design, organization, and support of a non-duplicative, integrated, efficient and effective legal aid delivery system. Its State Plan and Performance Standards create common expectations for all organizations involved in legal aid delivery and guide decisions regarding the investment and allocation of funding.

2. **Public and Private Funding for Civil Legal Aid:** The Equal Justice Coalition, a committee of the ATJ Board administered by the Legal Foundation of Washington, has worked since 1995 to successfully defend and expand state and federal legal aid funding in concert with other justice system funding initiatives and justice system partners, including the Washington State Bar Association. The ATJ Board worked for years to unify private legal aid fundraising efforts under a single umbrella. Those efforts are now successfully being implemented through the Campaign for Equal Justice, managed by Legal Aid for Washington Fund (LAW Fund).

3. **Technology Infrastructure and Support:** The ATJ Board has worked to ensure the existence of a uniform technology platform that ties all legal aid providers together in a seamless system. Recently, the ATJ Board was instrumental in creating JusticeNet, a dedicated system and innovative model of building broadband communications infrastructure in underserved areas of the state. JusticeNet is a component of a significant National Telecommunications and Information Administration (NTIA) grant to the State of Washington. The ATJ Board provides ongoing support for network-wide technology systems development efforts, and ensures consistent and inclusive coordination of technology initiatives between Alliance members and other key stakeholders, including the Office of the Administrator of the Courts.

4. **Coordination With and Integration Into the Judicial Branch:** The ATJ Board has been successful in securing heightened judicial branch awareness of civil legal aid as a core judicial branch function and promoting coordinated efforts with key judicial branch entities on technology, judicial and public legal education, and in defending and expanding resources available to meet the civil legal needs of low income Washingtonians. A notable example is the establishment of the new Office of Civil Legal Aid (OCLA) as a separate and independent agency in the judicial branch.

5. **Quantifying Unmet Civil Legal Needs and the Cost of Addressing These Needs:** The Supreme Court’s Task Force on Civil Equal Justice Funding was established at the request of the ATJ Board and staffed in large measure by the ATJ Board. The Task Force produced this state’s first comprehensive Civil Legal Needs Study and produced a report making a series of recommendations relating to the amount, administration and oversight of state legal aid funding. These reports served as the catalyst for substantial increases in state funding and for the passage of legislation creating an Office of Civil Legal Aid.
6. **Building a Sense of Community and Commitment to the Cause of Civil Equal Justice:** For the past decade and a half, the ATJ Board has hosted its annual Access to Justice Conference in conjunction with the WSBA Bar Leaders Conference. In recent years, the conference has built its theme and programming around current and cutting edge topics, which in turn has generated concrete actions to address these issues (e.g., immigration reform, eliminating bias in the justice system). The conference also serves as an opportunity for networking and the sharing of information and expertise, and for building community throughout the state among supporters of access to justice.

7. **Leadership Development – Bridging Divides and Strengthening the Delivery System:** The ATJ Board sponsored and helped host a Leadership Conference bringing together the leadership of all staffed, specialty and pro bono legal aid providers. There is now a Leadership Group that has been successful in bridging cultural and organizational gaps between legal aid and pro bono providers, expanding coordination and planning at the regional level, empowering a new and expanded community of program leaders throughout the state, and creating expanded support capacity for the state’s pro bono legal aid providers. The ATJ Board is taking the next steps in this process, which is to develop and institutionalize ongoing leadership development training for the Alliance.

8. **Inclusion, Diversity and Multicultural Competency:** Recognizing the need for the legal aid delivery system to be responsive and accountable to the needs of a diverse client population, and the corresponding responsibility of legal aid providers and support entities to be inclusive, diverse and culturally competent, the ATJ Board sponsored a series of trainings on concepts of inclusion, diversity and cross-difference competence as a justice system imperative. The ATJ Board integrates these principles into all aspects of its work, including the recruitment of volunteers and its priority-setting process. Examples of this include the ATJ Board’s work to address complex access issues facing persons with disabilities through court rules and judicial education; and the development and implementation of recommendations on immigration and civil rights.

9. **ATJ Technology Principles (Technology Bill of Rights):** The ATJ Board was the initiator, host and sponsor of the nationally recognized effort to develop core principles and values that are designed to ensure that the development, implementation and adaptation of technology systems are carried out in a manner that ensures full inclusion of all members of society. The ATJ Board’s Technology Bill of Rights project (TBoR) led to the development of the Access to Justice Technology Principles that were adopted by the Washington Supreme Court in 2004 and that are in the process of being implemented statewide.

10. **Unifying the Access to Justice Message:** Under the auspices of its Communications Committee, the ATJ Board has developed a unifying brand for all civil legal aid related activities in Washington State. This brand – the Alliance for Equal Justice – binds all providers in the state under a common banner and establishes expectations for coordination, messaging and communications. The Alliance banner expands understanding of and support for all legal aid related efforts, from resource development to expanded delivery services.

11. **Improving Access for Pro Se Litigants:** In collaboration with the Administration Office of the Courts, the Office of Administrative Hearings and other justice system stakeholders, the ATJ Board has coordinated the development of a visionary plan for institutionalizing support for pro se through a self-help center integrated into county law libraries and in conjunction with courthouse facilitator programs. Phase 1 of the project is underway, which is to convert family law forms into plain language format.

12. **Establishing Public Legal Education as a Core Access to Justice Principle:** The ATJ Board helped to launch the Council on Public Legal Education, which is now a project of the Washington State Bar Association. A primary focus is educating young people regarding their legal rights and responsibilities, that is accomplished through a Youth Courts project and support of strong civics education in the schools.

13. **Coordinating Law School Participation in the Alliance:** The ATJ Board’s Law School Relations Committee works to ensure that every law student in the state has an understanding of the importance of public interest law, familiarity with the Alliance for Equal Justice community, an opportunity...
to work with Alliance members in some capacity as a student, an appreciation for the work that is being
done on behalf of low-income clients, and a commitment to support the Alliance’s work in some capacity
after law school.

14. **Incubator for New Initiatives:** The ATJ Board serves as the research and development
component for initiatives to promote and expand access to the justice system for low and moderate
income people. Examples include: Uniform Courthouse Facilitator Rule, rules on Unbundled Legal
Services, standards adopted by the Board of Governors regarding fee for service telephone provider legal
aid services; development of a pilot project for low fee services (GAAP); amendments to CR 23 (cy pres);
GR 33 (accommodation of persons with disabilities); *Ensuring Equal Access for People with Disabilities –
a Guide for Washington Courts*; Access to Justice Technology Principles; *JusticeNet*; and plain language
mandatory forms.

15. **Setting the National Standard:** The ATJ Board is a recognized national model for effective,
integrated statewide legal aid planning and the development of a broad and inclusive statewide justice
community. While first in the nation, there are now ATJ coordinating entities in nearly two-thirds of the
states. Recognizing the success of the Washington experience, effective statewide planning and
coordination has become a requirement for receipt of funding from the federal Legal Services
Corporation. The ATJ Board has published a model planning guide which is used by state civil legal aid
planning entities across the nation.